JOURNAL

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HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION, 1948

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HOUSE OF REPRESENTATIVES

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Regular Session, 1948

TUESDAY, FEBRUARY 17, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, pastor of the Episcopal Church, of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	W. K. Coleman	C. J. Holsclaw
Jason Alford	Robert Collins	Richard R. Houpt
Roy W. Arnold	Everett T. Cooper	Clyde S. Howard
Earl F. Ashcraft	Perry M. Cross	D. W. Howard
Sidney Baer	Horace T. Cull	M. G. Howard
Levi Baker	B. G. Davidson	R. N. Hubbard
Bernhardt Bauer	Owen Deering	Ira W. Hulette
C. E. Baumgardner	G. I. Drury	Laban P. Jackson
Fred Beshear	Kermit Dwyer	Kerby Jennings
Isaac M. Blevins	Henry J. Giles	Paul S. Jonas
Chas. J. Bronston	Otto W. Goff	J. Ernest Jones
Mrs. Mary Burnett	Henry C. Hale	L. H. Jones
Chas. W. Burnley	N. M. Hamilton	Ercel Kozee
A. H. Calvert	James P. Hanratty	Harry K. Lowman
Paul Carter	Dennis Henderson	W. E. McClure
Earl W. Christian	Carson Hibbitts	Ed Marcum
George I. Cline	E. R. Hilton	F. G. Marquette

E. H. Martin
C. D. Moberly
Archie R. Moore
Davis Moore
Walter Moorman
Fred H. Morgan
E. C. Mullins
Stanley Murphy
T. A. Noe, Jr.
Joe E. Nunn
H. S. Overby
H. C. Patterson
H. M. Pewitt
J. H. Polsgrove
L. W. Preston
E. F. Prichard
Hobart Rayburn
Ottis Roberts
F. L. Robinson
Lilburn S. Rogers
Amos Runyan
Glenn Rushing
Mrs. Rutherford
Dr. K. N. Salyer
D. B. Saylor
LeRoy Saylor
James J. Shannon
Paul E. Shannon
James S. Shaw
Jesse H. Shelton
Harry Smith
John M. Spaulding
Chas. L. Spillman
G. W. Steinford
John M. Stumbo
Albert Thomason
G. C. Thornton
W. R. Tipton
Wilford S. Travis
John C. Watts
Lawrence Watts
Morris Weintraub
Lynn Boyd Wells
Rodney Whitlow
G. F. Williamson
Charles W. Wirsch
Mr. Speaker

Mr. Salyer moved that the reading of the Journal of the House of the proceedings of Monday, February 16, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Lowman moved that the privilege of the floor be extended to Mr. G. A. Farnland.

Said motion was agreed to.

Mr. Overbey moved that the privilege of the floor be extended to Mr. McDowell, County Judge of Robertson County.

Said motion was agreed to.

Mr. Bauer moved that the privilege of the floor be extended to Mrs. Harry Dickerson.

Said motion was agreed to.

Mr. Robinson moved that the privilege of the floor be extended to Messrs. Thomas Dawson and John Fulton.

Said motion was agreed to.

The Speaker recognized in the gallery a group of United Mine workers from throughout the State of Kentucky.

Mr. Prichard offered the following resolution, viz.:

H. Res. No. 34. A Concurrent Resolution memoralizing the Congress of the United States with respect to a change in the Federal Internal Revenue laws relating to traffic in alcoholic beverages.

Whereas, under the existing Federal laws, license to traffic in alcoholic beverages, and tax stamps upon containers of alcoholic beverages, may be issued to persons who are not licensed under the state laws to traffic in alcoholic beverages, and who may not lawfully possess alcoholic beverages under state laws; and

Whereas, by reason thereof, illicit traffic in alcoholic beverages is encouraged and enforcement of state alcoholic beverage control laws is impeded:

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Congress of the United States is memoralized to amend the Federal Statutes so as to provide that only those persons who are licensed to traffic in and possess alcoholic beverages under the laws of the state may be issued a Federal license, or Federal tax stamps, for traffic in or possession of alcoholic beverages in such state.

That the Clerk of the House of Representatives of the General Assembly forthwith forward an authenticated copy of this Resolution to the Clerks of the respective houses of the Congress, and to each Senator and Representative in Congress from Kentucky.

Mr. Prichard moved that the House do now adopt said resolution.

The yeas and nays being required thereon by Mr. Prichard and Mr. Paul S. Jonas were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	E. F. Prichard
Jason Alford	E. R. Hilton	Hobart Rayburn
Sidney Baer	C. J. Holsclaw	F. L. Robinson
Levi Baker	Richard R. Houpt	Lilburn S. Rogers
Bernhardt Bauer	Clyde S. Howard	Amos Runyan
C. E. Baumgardner	D. W. Howard	Glenn Rushing
Fred Beshear	M. G. Howard	Mrs. Rutherford
Isaac M. Blevins	Ira W. Hulette	Dr. K. N. Salyer
Chas. J. Bronston	Laban P. Jackson	LeRoy Saylor
Mrs. Mary Burnett	Paul S. Jonas	James J. Shannon
Chas. W. Burnley	J. Ernest Jones	Paul E. Shannon
Paul Carter	L. H. Jones	James S. Shaw
Earl W. Christian	Ercel Kozee	Jesse H. Shelton
George I. Cline	Harry K. Lowman	Harry Smith
W. K. Coleman	F. G. Marquette	John M. Spaulding
Robert Collins	E. H. Martin	G. W. Steinford
Everett T. Cooper	C. D. Moberly	John M. Stumbo
Perry M. Cross	Archie R. Moore	Albert Thomason
Horace T. Cull	Davis Moore	G. C. Thornton
B. G. Davidson	Walter Moorman	W. R. Tipton
Owen Deering	Fred H. Morgan	Wilford S. Travis
G. I. Drury	E. C. Mullins	John C. Watts
Kermit Dwyer	Stanley Murphy	Lawrence Watts
Henry J. Giles	T. A. Noe, Jr.	Lynn Boyd Wells
Henry C. Hale	Joe E. Nunn	Rodney Whitlow
N. M. Hamilton	H. C. Patterson	G. F. Williamson
James P. Hanratty	H. M. Pewitt	Charles W. Wirsch
Dennis Henderson	L. W. Preston	—83

Said motion was agreed to.

And thereupon said resolution was adopted.

Mr. Wirsch offered the following resolution, viz.:

Whereas, the Chesapeake and Ohio Railway Company has operated a Ferry between New Richmond, Ohio and South New Richmond, Kentucky, the latter in Campbell County, for many years, and

Whereas, this Ferry Boat serves thousands of citizens living in both northern Kentucky and southern Ohio and has proved to be a great asset to our citizens from an agricultural, educational and commercial point of view, and

Whereas, in the event of the abandonment of this Ferry there will be no means of transportation for citizens living for 20 miles on one side and 25 miles on the other side of the Ohio River, and

Whereas, according to testimony given before an Interstate Commerce Commissioner Examiner several months ago, the operation of this Ferry would prove a profitable venture according to testimony of railway company executives if its operations were properly conducted, and

Whereas, there is now pending before the Interstate Commerce Commission a petition by the railway company to abandon the Ferry, and

Whereas, the Campbell County Farm Bureau, the Campbell County Agricultural Society, the Mary Inglis Highway Association, the Campbell County River Road Civic Association and numerous other civic, agricultural highway and commercial associations have adopted resolution protesting against the abandonment of this Ferry.

Therefore, be it resolved by the Kentucky House of Representatives that we respectfully request the Interstate Commerce Commission to make a thorough study, and, if possible, prohibit the closing or abandonment of this Ferry, for there will be no undue burden on Interstate Commerce by the continued operation of this Ferry, and

Be it further resolved that a certified copy of this resolution be forwarded by the Clerk of this House to the Interstate Commerce Commission at Washington, D. C., and a copy of same be spread on the minutes of this House of Representatives.

Mr. Wirsch moved that the House do now adopt said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. No. 57. An Act relating to Assistant Attorneys-General; appointment; duties; qualifications and salaries; making an appropriation for the payment of salaries of Assistant Attorneys-General and declaring an emergency.

H. B. No. 64. An Act creating a Legislative Research Commission, defining its powers and duties, making an appropriation therefor, and repealing all laws or parts of laws in conflict herewith.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

After a time the Chief Clerk reported that he had discharged that duty.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in the House of the following title, viz.:

H. B. No. 45. An Act relating to the colleges which are now known as the State Teachers Colleges, providing for changing the names by which the colleges shall be known and recognized.

With an amendment to the title of said bill as proposed and adopted by the Senate.

(For bill see H. J. of January 29, 1948, ante.)

Said amendment to the title of said bill is as follows, viz.:

Amendment No. 1 to the title of H. B. No. 45. In Senate, This Act shall be cited and known as the "May, Overbey, Davidson and Travis Bill."

Mr. Cline moved that the House do now concur in said amendment to the title of said bill.

Said motion was agreed to.

And thereupon said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Ordered that said bill be delivered to the Enrolling Clerk of the House.

The message which was received from the Senate also announced that they had passed a bill which originated in that body of the following title, viz.:

S. B. No. 38. An Act to amend Section 75 of the Criminal Code of Practice, relating to bail after conviction and pending appeal.

Said bill is as follows, viz.:

Be it enacted by the Generaly Assembly of the Commonwealth of Kentucky:

Section 75 of the Criminal Code of Practice is amended to read as follows:

In all cases, in the circuit court, when the defendant shall have been convicted of a felony, except in cases where the jury has inflicted the death penalty, the defendant shall be permitted to execute bond pending his appeal to the Court of Appeals.

The substance of such bond shall be that he will render himself amenable to the orders and process of the courts, and if his case is affirmed, he will surrender himself to the sheriff of the county of his conviction within thirty days after the affirmance has become final, to be taken by such sheriff to prison as provided in the judgment of conviction, or if his case shall be reversed he will appear in the next term of the circuit court in which he was convicted, which does not begin within less than ten days of the reversal of the judgment of the circuit court, again, to answer said charge.

The bond shall be for a penal sum sufficient to secure the defendant's appearance or his surrender to the court in execution of the judgment if it should be affirmed, and it may be executed before the circuit court or the trial judge at any time before the record is filed in the Court of Appeals, and after that time it may be executed before the Clerk of the Court of Appeals, and in all cases where a bond is allowable hereunder it shall be the duty of the trial judge to fix the sum for which it may be given by an order made a part of the judgment, and which amount so fixed shall govern the authority taking the bond as herein provided for. In either case the band may be adjudged to be fortified by order of the circuit court for non-compliance with its terms by the defendant.

II.

All Acts and parts of Acts in conflict herewith are hereby repealed.

III.

In view of the fact that there are persons confined under judgments of the courts of this State, who, under the provisions of this act are entitled to execute bond, the provisions hereof shall apply to such persons and all persons hereafter similarly situated and an emergency is hereby declared to exist and this act shall become effective from and after its passage and signing by the Governor of this Commonwealth.

Ordered that said bill be printed and referred.

The message which was received from the Senate also announced that they had adopted a resolution which originated in that body as follows, viz.:

Whereas, Almighty God, in His infinite wisdom, has seen fit to call His Honor, E. Leland Taylor, Mayor of Louisville, from his earthly to his Heavenly home, and—

Whereas, the citizens of Louisville, the County of Jefferson, and the State of Kentucky have lost the services of a valued public servant and personal friend,—

Now, Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That this body deeply laments the death of the late Mayor Taylor, and it hereby extends its sympathy to his widow and children; that a copy of this Resolution be spread at large on the journals of the House of Representatives and the Senate; and the Clerks of both Houses of the General Assembly hereby are directed to transmit copies of this Resolution to the widow and surviving children.

Mr. John C. Watts moved that the House do now concur in said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

Mr. Archie R. Moore moved that the privilege of the floor be extended to Messrs. W. T. McConnell, Harold Chenault and Basil Hall.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz.:

By Mr. Adams.

H. B. No. 315. An Act providing for advance deposits for costs in actions in quarterly courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No person may commence an action in the quarterly court with original process unless, at the time of filing the action, he shall pay to the clerk or judge of the court, an advance costs, the sum of five dollars, which sum shall be applied as a credit on the cost accruing in the action.

By Messrs. Runyan and Hibbitts.

H. B. No. 316. An Act relating to sick leave for teachers in the common schools.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. For the purpose of this Act "teacher" shall mean any person for whom certification is required as a basis of employment in the public schools of the state with the exception of superintendents, supervisors and attendance officers.

§ 2. Any district Board of Education may allow any teacher the equivalent of one day sick leave for each month

of the current school year without any deduction from his salary as fixed by the salary schedule, provided he presents a personal affidavit or a certificate of a reputable physician stating that he was ill on the day or days absent and that his presence would have endangered his health or the health of others. The number of days permitted for sick leave herein shall not be accumulated and be used in another school year.

By Mr. Maurice G. Howard.

H. B. No. 317. An Act requiring the Department of Highways to construct and operate a bridge across the Cumberland River immediately above Cumberland Falls, and providing for the financing of the same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Department of Highways is hereby directed and required to immediately undertake the construction of a suitable highway bridge across the Cumberland River immediately above the Cumberland Falls at or about the location of the present state ferry crossing, such bridge to be constructed under the authority provided in KRS 180.020 to 1820.250 and to be financed through bonds and tolls as provided in those sections.

§ 2. Whereas, the present ferry operations across the Cumberland River above Cumberland Falls are dangerous to human life, and impede the safe and adequate movement of traffic in the vicinity of the Falls, an emergency is declared to exist and this Act shall take effect upon its passage and the approval of the Governor.

By Messrs. Weintraub, Steinford, Wirsch, Paul E. Shannon, Martin, and Jonas.

H. B. No. 318. An Act relating to vacation, sick leave and retirement of Civil Service employees of cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Civil Service employees of cities of the second class shall be entitled to a minimum of fifteen (15) days vacation with pay each fiscal year.

2. Civil Service employees of cities of the second class shall be entitled to a minimum of fifteen (15) days sick leave with full pay, and said leave to be accumulated from year to year but it shall not exceed sixty (60) days.

3. The Civil Service employees of cities of the second class may retire after twenty (20) years of service, and shall retire upon the completion of twenty-five (25) years of service.

H. B. No. 319. An Act to repeal Section 28.450 of the Kentucky Revised Statutes and to enact in lieu thereof new provisions relating to compensation of reporters for circuit courts of continuous session in counties having a population of less than 150,000.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 28.450 of the Kentucky Revised Statutes be and the same hereby is amended so that said Section as so amended shall read as follows, to-wit:

"(1) Reporters for Circuit Courts of continuous sessions in counties having a population of less than 150,000 shall receive for their services in taking stenographic notes, a salary of not less than $1800.00 nor more than $2400.00 per annum, to be fixed by the Fiscal Court and paid in monthly installments, by the County.

"They shall receive for making original transcripts $.20 (twenty cents) per one hundred words. In civil actions involving less than $500.00 they shall receive $10.00 per day for taking stenographic notes of said actions and $.20 (twenty

cents) per one hundred words for the original transcript thereof, which shall be paid forthwith by the party in whose behalf the record or transcript is ordered, and same shall be taxed as part of the costs of the action. In criminal cases the fee for making transcripts shall be paid by the county in which the court is held when the transcript is made upon motion of the Commonwealth. In cases where the offense is a misdemeanor the party asking for the Reporter's services shall pay for same at the rate of $10.00 per day. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the Court directs the Reporter to file a transcript upon the motion of a party suing in forma pauperis, in which event the fee shall be paid by the County.

"For duplicate copies of transcripts, Reporters of Circuit Courts of continuous session shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original. If, however, a duplicate transcript is ordered by a second party, it shall be considered for all purposes the same as an original transcript, and shall be paid for at the original rate.

"(2) Court Reporters appointed and qualified under this Act, serving also as secretaries to the Circuit Judges of their respective counties in addition to their duties as Court Reporters, shall receive for such secretarial services a salary of not less than $1200.00 nor more than $2400.000 per annum, said salary to be paid in monthly installments out of the State Treasury of the Commonwealth of Kentucky, directly to the Court Reporters of courts of continuous session.

"All acts and parts of acts in conflict herewith are hereby repealed."

By Mr. Hulette.

H. B. No. 320. An Act repealing Chapter 236 of the Acts of the General Assembly of 1946.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Chapter 236 of the Acts of the General Assembly of 1946, being entitled "An Act to provide for the remodeling and improving the structure and grounds formerly occupied by the state penintentiary in the city of Frankfort, and making an appropriation for the purpose thereof" be and the same hereby is repealed.

By Mr. Burnley.

H. B. No. 321. An Act creating a Sinking Fund Commission to invest certain funds of the Commonwealth, and defining its powers and duties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A Sinking Fund Commission hereby is created, which shall be composed of the Governor, the State Treasurer, the Commissioner of Revenue, the Attorney General, and the Commissioner of Finance. It shall have the authority, but shall not be required, to invest, in direct obligations of the United States Government, or direct obligations of the Commonwealth and any or all other funds of the Commonwealth to the extent that such funds contain surplus sums in excess of the sums required to meet appropriations or other charges against such funds, except that such authority shall not extend to any funds that are specifically provided by law to be invested by some other officer or agency of the State Government. It shall have the authority to enter into contracts with the United States Government, or any department of the Commonwealth, to carry out the provisions of this Act. The above authority is limited to this extent only: Any investment herein authorized shall be one that will empower the Commission to demand par value payment of the securities invested in upon sixty (60) days' notice.

WHEREAS, there are many millions of dollars of funds of the Commonwealth that are not bearing interest payable to the Commonwealth, an emergency is hereby declared to

exist, and this Act shall become effective upon its passage and approval by the Governor.

By Messrs. Jennings, Archie R. Moore, and Whitlow.

H. B. No. 322. An Act relative to annexation of county school district, subdistrict, subdistricts or parts thereof and repealing, amending and re-enacting Section 160.050 of Kentucky Revised Statutes 1946 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Any independent school district may annex and unite as a part of the independent school district any county school district, subdistrict or subdistricts, or parts thereof, lying adjacent to the independent school district, and repealing, amending and re-enacting Section 160.050 of Kentucky Revised Statutes, subject to the following provisions:

2. The board of education of the independent school district, county board of education, and State Superintendent of Public Instruction shall designate the territory proposed to be annexed, and submit the question of annexing the territory to the independent school district to a vote of the people residing in the territory proposed to be annexed, and if such proposal shall be adopted by a vote of the majority of the people residing therein said territory shall become a part of the independent school district.

3. Provided further that if the board of education of the independent school district, the board of education of the county school district and the State Superintendent of Public Instruction shall fail or refuse to designate said boundary, or call said election, then if 25% of the voters residing in said territory proposed to be annexed shall with the consent and approval of the board of education of the independent school district petition the county board of education to call said election, same shall be called within 60 days from the filing of said petition, and if at said election there is a majority vote

in favor of said annexation, said territory shall become a part of the independent school district.

4. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bills be printed and referred.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers, of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

S. B. No. 10. An Act relating to payment of taxes in cities, and declaring an emergency.

S. B. No. 12. An Act to amend Section 92.020 of the Kentucky Revised Statutes, relating to the fiscal year of cities other than the first class.

S. B. No. 116. An Act creating a department to be known as the Department of Economic Security, providing for the reorganization of certain functions of the State Government dealing particularly with agencies which receive federal funds; providing for appropriations for certain administrative functions of the Department; providing for a transfer of functions, personnel, appropriations and allocations; and declaring an emergency.

S. B. No. 61. An Act to amend Sub-sections (1) and (8) of section 92.440 of the Kentucky Revised Statutes relating to the equalization of assessments against property for taxation purposes in cities of the second class.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

REPORT OF COMMITTEES

Mr. Bronston of the Committee on Motor Transportation No. 1, to which same had been previously referred, reported bills of the following title, viz.:

H. B. No. 96. An Act relating to motor carriers, as defined in KRS, Chapter 281; with particular relation to reciprocity agreements with other states and the District of Columbia concerning taxes upon vehicles operated in interstate commerce.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of House Bill No. 96 by striking from the printed bill all of Section 2 and inserting in lieu thereof the following:

2. "This Act shall be administered by the Department of Revenue."

H. B. No. 233. An Act pertaining to motor vehicles, including motor carriers.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Martin of the Committee on Compensation of Industrial Injuries, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 260. An Act to appeal, amend and re-enact Sections 342.005, 342.020, 342.025, 342.040, 342.055, 342.070, 342.080, 342.095, 342.100, 342.105, 342.110, 342.120, 342.230, 342.270 and 342.395, Kentucky Revised Statutes, relating to Workmen's Compensation.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. No. 260, on page 14, by adding new section to read as follows, viz.:

"Section 16. Whereas, policies of insurance heretofore issued under the provisions of Sections 342.345 to 342.385, inclusive, Kentucky Revised Statutes, insuring the liability of employers for compensation under provisions of the Workmen's Compensation Act have been issued for the policy year ending June 30th, 1948, and at insurance rates fixed by the Workmen's Compensation Board for that period, all provisions of this Act shall become effective on and after June 30th, 1948."

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Baer of the Committee on Codes and Practice, to which same had been previously referred, reported bills of the following titles, viz.:

S. B. No. 69. An Act amending and re-enacting Section 381.580 of KRS relating to condemnation of private passways.

H. B. No. 237. An Act to amend Section 21, Civil Code of Practice, and extending the benefits thereof and adding a new section thereto.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mrs. Rutherford of the Committee on Public Utilities No. 1, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 215. An Act providing for payments from the proceeds of the sale of electrical energy, of water and gas service by publicly owned light, water or gas plants to the boards of education of public school districts in which the property or properties of such publicly owned light, or water or gas plants may be located, and providing a method of determining the amount thereof.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Polsgrove of the Committee on Courts, to which same had been previously referred, reported bills of the following titles, viz.:

H. B. No. 214. An Act amending KRS, Section 23.150 relating to practice in circuit courts other than those of continuous session.

H. B. No. 262. An Act to amend sub-section 32 of Section 23.050 of KRS pertaining to terms of court in the 33rd Judicial District.

H. B. No. 151. An Act relating to Master Commissioners of Circuit Courts, and providing a salary therefor in certain Circuit Courts having continuous session.

H. B. No. 200. An Act relating to juries.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mrs. Burnett of the Committee on Appropriations, to which same had been previously referred, reported resolutions of the following title, viz.:

S. Res. No. 22. A Joint Resolution authorizing and directing the State Fair Board to pay, to C. W. Taylor, compensation for his services as de facto manager of the Kentucky State Fair during the period from January 1, 1947 to June 1, 1947.

S. Res. No. 7. Joint Resolution providing for the purchase of five hundred and fifty copies of the Kentucky Directory, and the distribution thereof, and appropriating $1,000.00 to purchase same.

With the expression of opinion that same should pass.

Whereupon said resolutions were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Jackson of the Committee on Constitutional Amendments, to which same had been previously referred, reported bills of the following titles, viz.:

H. B. No. 49. An Act proposing an amendment to Section 256 of the Constitution of this Commonwealth, relating to the amendment of the Constitution.

H. B. No. 6. An Act to amend the Constitution of the Commonwealth of Kentucky to change the times for the elec-

tion of public officers so as to reduce the number of elections to be held in the Commonwealth of Kentucky, and to fix the times for the meetings of the General Assembly made necessary by the change in the times of the elections of the members thereof.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Jackson of the Committee on Constitutional Amendments, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 172. An Act to amend and re-enact Section 145 of the Constitution of the Commonwealth of Kentucky.

With the expression of opinion that said bill should not pass.

No motion having been made to advance said bill to a first reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bill, it was ordered that said bill be not read the first time at length, and so said bill was rejected.

Mrs. Burnett of the Committee on Appropriations, to which same had been previously referred, reported a resolution of the following title, viz.:

S. Res. No. 5. A Concurrent Resolution providing for payment of the per diem of the late J. T. Linton.

With the expression of opinion that said resolution should not pass.

No motion having been made to advance said resolution to a first reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said resolution, it was ordered that said resolution be not read the first time at length, and so said resolution was rejected.

Mr. Polsgrove of the Committee on Courts, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 118. An Act relating to jury challenges; amending Sections 203 and 204 of the Criminal Code.

With the expression of opinion that said bill should not pass.

No motion having been made to advance said bill to a first reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bill, it was ordered that said bill be not read the first time at length, and so said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar a bill of the following title, viz.:

S. B. No. 60. An Act to amend Section 95.320 of the Kentucky Revised Statutes, eliminating the limitation on taxation and revenues for support of Firemen's Pension Funds in Cities of the First Class.

Ordered that said bill be read at length the second time.

Mr. John C. Watts moved that the Constitutional provision as to the second reading at length of said bill be dispensed with, and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 162. An Act relating to allowances to county tax commissioners for compensation of deputies.

Mr. Burnley moved that said bill be recommitted.

Without objection, said motion was agreed to and said bill was recommitted.

To the Committee on Ways and Means.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 39. An Act relating to the compensation of justices and commissioners for serving on the fiscal court and its committees, amending Section 67.110 of the Kentucky Revised Statutes.

With Committee amendments thereto.

Said bill is as follows, viz.:

An Act relating to the compensation of justices and commissioners for serving on the fiscal court and its committees, amending Section 67.110 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 67.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each county commissioner serving on a fiscal court may be paid out of the county treasury the following compensation for his services:

(a) In counties containing a city of the first or second class, a salary of three thousand dollars per annum, payable monthly.

(b) In counties containing a city of the third or fourth class, a salary of not more than one thousand, eight hundred dollars per annum, payable monthly.

(c) In other counties, the same compensation per day as justices of the peace receive under subsections (2) and (3) of this section.

(2) Each justice of the peace serving on a fiscal court shall be paid for his services out of the county treasury ten dollars for each day of actual attendance of the meetings of the fiscal court.

(3) County comissioners or justices of the peace shall not receive any other compensation for their services, or any compensation for serving on committees of the fiscal court, except that in counties where the fiscal court controls and supervises the county roads through a committee of its members the justices of the peace serving on that committee shall be paid out of the county treasury six dollars for each day of actual service.

Amendments to said bill, are as fol'ows, viz.:

Committee Amendment No. 1. Amend printed copy of House Bill No. 39 on page 1, subsection 1, line 7, by striking the words "third or fourth class," and inserting in lieu thereof the words "third, fourth or fifth class,"

Committee Amendment No. 2. Amend printed copy of House Bill No. 39, on page 2, subsection 3, line 21, by adding after the word "service" the following: "but no justice of the peace shall receive more than $500 in the aggregate for such service in any one year."

Said Committee amendments to said bill were each and severally agreed to.

Mr. Murphy moved the Previous Question.

Whereupon, the Speaker announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Everett T. Cooper	Laban P. Jackson
Jason Alford	Horace T. Cull	Paul S. Jonas
Earl F. Ashcraft	B. G. Davidson	J. Ernest Jones
Sidney Baer	Owen Deering	L. H. Jones
C. E. Baumgardner	G. I. Drury	Harry K. Lowman
Fred Beshear	Kermit Dwyer	W. E. McClure
Isaam M. Blevins	Otto W. Goff	C. D. Moberly
A. H. Calvert	Henry C. Hale	Davis Moore
Paul Carter	James P. Hanratty	Walter Moorman
Earl W. Christian	Carson Hibbitts	E. C. Mullins
George I. Cline	Richard R. Houpt	Stanley Murphy
W. K. Coleman	R. N. Hubbard	Joe E. Nunn
Robert Collins	Ira W. Hulette	H. C. Patterson

L. W. Preston	James S. Shaw	Albert Thomason
E. F. Prichard	Jesse H. Shelton	Lawrence Watts
Ottis Roberts	Harry Smith	Morris Weintraub
Amos Runyan	John M. Spaulding	Lynn Boyd Wells
Mrs. Rutherford	G. W. Steinford	G. F. Williamson
Dr. K. N. Salyer	John M. Stumbo	Charles W. Wirsch
Paul E. Shannon		

—58

Those who voted in the negative were—

Roy W. Arnold	F. G. Marquette	Hobart Rayburn
Chas. W. Burnley	Archie R. Moore	Lilburn S. Rogers
N. M. Hamilton	Fred H. Morgan	Glenn Rushing
Dennis Henderson	T. A. Noe, Jr.	LeRoy Saylor
C. J. Holsclaw	H. S. Overby	G. C. Thornton
M. G. Howard	H. M. Pewitt	W. R. Tipton
Kerby Jennings	J. H. Polsgrove	Rodney Whitlow

—21

Resolved that the title thereof be as aforesaid.

Mr. Stumbo moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which same had been previously referred, reported that they had examined and found to be correctly enrolled a bill of the following title, viz.:

H. B. No. 45. An Act relating to the colleges which are now known as the State Teachers Colleges, providing for changing the names by which the colleges shall be known and recognized.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 198. An Act to amend Section 281.450 of the Kentucky Revised Statutes relating to taxicabs and city buses.

Mr. Drury moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The hour of two o'clock p. m. having arrived, that being the time previously agreed upon for a Special Order of the Day, the House took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 216. An Act to repeal Section 30.100 of the Kentucky Revised Statutes relating to the practice of law.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky as follows:

That Section 30.100 of the Kentucky Revised Statutes, relating to the practice of law, be, and the same is hereby repealed.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Perry M. Cross	Paul S. Jonas
Jason Alford	Horace T. Cull	J. Ernest Jones
Roy W. Arnold	Owen Deering	L. H. Jones
Earl F. Ashcraft	G. I. Drury	Ercel Kozee
Levi Baker	Otto W. Goff	Harry K. Lowman
Bernhardt Bauer	Henry C. Hale	W. E. McClure
Fred Beshear	N. M. Hamilton	F. G. Marquette
Isaac M. Blevins	James P. Hanratty	E. H. Martin
Chas. J. Bronston	Dennis Henderson	C. D. Moberly
Mrs. Mary Burnett	Carson Hibbitts	Davis Moore
Chas. W. Burnley	C. J. Holsclaw	Walter Moorman
Paul Carter	Richard R. Houpt	Fred H. Morgan
Earl W. Christian	M. G. Howard	E. C. Mullins
George I. Cline	R. N. Hubbard	Stanley Murphy
W. K. Coleman	Ira W. Hulette	T. A. Noe, Jr.
Robert Collins	Laban P. Jackson	Joe E. Nunn
Everett T. Cooper	Kerby Jennings	H. S. Overby

H. C. Patterson	D. B. Saylor	G. C. Thornton
H. M. Pewitt	LeRoy Saylor	W. R. Tipton
L. W. Preston	James J. Shannon	Wilford S. Travis
E. F. Prichard	Paul E. Shannon	John C. Watts
Hobart Rayburn	Jesse H. Shelton	Lawrence Watts
Ottis Roberts	Harry Smith	Morris Weintraub
Amos Runyan	John M. Spaulding	Lynn Boyd Wells
Glenn Rushing	G. W. Steinford	Rodney Whitlow
Mrs. Rutherford	John M. Stumbo	G. F. Williamson
Dr. K. N. Salyer	Albert Thomason	Charles W. Wirsch

—81

Those who voted in the negative were—

B. G. Davidson	J. H. Polsgrove	James S. Shaw
D. W. Howard		

—4

Resolved that the title thereof be as aforesaid.

Mr. Beshear moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Polsgrove moved that the rules be suspended for the purpose of allowing Reports of Committees.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Polsgrove of the Committee on Courts, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 78. An Act relating to the appointment, duties and compensation of stenographic reporters for the circuit courts.

With Committee amendment thereto by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act relating to the appointment, duties and compensation of Official Shorthand Reporters for circuit courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 28.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any circuit court district, other than one in which the court is of continuous session or one which includes a county containing a city of the second class, if the judge, in accordance with the provisions of KRS 28.410, appoints one Official Shorthand Reporter for all the counties in the district, such reporter shall be paid an annual salary of not more than $1200.00, out of the county levies of the counties embraced in the district. Each county shall pay a proportionate part of the salary, in proportion to the number of calendar days of court held in each county in said district, prorated on an annual basis but payable by the month, the proportion being certified to the fiscal courts by the circuit judge. In addition to his other duties, such Reporter shall perform stenographic and clerical services for the Circuit Judge. The salary shall be in addition to the fees provided for in subsection (2) and (3) of this section.

(2) The fees of reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be fifteen dollars per day for taking shorthand notes and thirty cents per hundred words for the original transcript thereof.

(a) In criminal cases the fees shall be paid, upon the order of the presiding judge, by the county in which the court is situated, if the transcript is ordered for the use of the Commonwealth's Attorney. If the transcript is ordered upon the motion of the defendant, he shall pay for it if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the transcript, the Court shall direct the same to be paid by the County.

(b) In civil cases the fees shall be paid forthwith by the party in whose behalf the report or transcript is ordered,

and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without the payment therefor by the party in whose behalf it is ordered.

(3) For duplicate copies of transcripts reporters of circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original. However, the parties paying for a carbon copy only shall pay the same rate as paid for the original, or ribbon copy, paid for by another party.

(4) Any deposition or other written record read, or considered read, into or made a part of the record which is being taken by the reporter, shall be incorporated by the said reporter in and made a part of any appeal record furnished by the reporter.

(2) Subsection (1) of Section 28.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Upon any trial or proceeding if either party requests the services of the reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct the reporter to, and the reporter shall, take full stenographic notes of the proceedings, such taking to be paid for by the party requesting the same, or if the party requesting same is unable to pay for such service, it shall be paid for by the Fiscal Court of the county in which said trial is held, on order of the presiding judge of such circuit court.

(b) In counties having a population of 150,000 or more, the reporter of the criminal branch of the circuit court shall take down the proceedings in all cases, embracing the rulings of the court, all testimony introduced, and arguments of Counsel; and upon request of either side or at the direction of the presiding judge, he shall take down also all preliminary motions, examinations of jurors and opening statements and closing arguments of Counsel.

(c) In Counties where reporter receives a salary under the provisions of Subsection (1) KRS 28.460, the reporter shall likewise take down the proceedings in all criminal cases.

(3) All laws, or parts of laws, in conflict herewith are hereby expressly repealed.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Rushing of the Committee on Cities of the First Class, to which same had been previously referred, reported bills of the following titles, viz.:

H. B. No. 268. An Act concerning accounts and records kept by the director of finance; duties as to claims against city; countersigning checks in cities of the first class.

H. B. No. 265. An Act concerning the annual levy of taxes by cities of the first class, the disposition of revenues, and the effect of the failure to make such levy.

H. B. No. 270. An Act concerning the accountant in cities of the first class.

H. B. No. 266. An Act relating to assessment returns in cities of the first class.

H. B. No. 267. An Act concerning the Tax Receiver in cities of the first class.

H. B. No. 269. An Act concerning the receipt, custody and disbursement of city funds; receipts; in cities of the first class.

H. B. No. 264. An Act concerning tax bills, how made out and listed for collection; evidence of validity of tax, in cities of the first class.

S. B. No. 82. An Act concerning the purgation for regular election in cities of the first class by house to house canvas.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of Senate Bill No. 82, on page 1, line 5, by inserting between the words "not" and "more" the words "less than ten dollars nor"

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 203. An Act relating to the business of leasing, renting, or letting out for hire, motor vehicles to be used for the transportation of persons but for which no driver is furnished, such business being commonly known as the "U-Drive-It" or "Rent-A-Car" business.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person shall engage in the business of leasing, renting, or letting out for hire, motor vehicles to be used for the transportation of persons but for which no driver is furnished, such business being commonly known as the "U-Drive-It" or "Rent-A-Car" business, without having procured from the Division of Motor Transportation an authorization to engage in such business, and thereafter securing an annual renewal of such authorization. Before the division

shall issue an authorization, the person seeking it shall file with the division an application, in such form as the division requires, setting forth, among other things, the name and address of the applicant, the name of the chief officer if the applicant is a corporation, and the names of the members if the applicant is a partnership, the number and a detailed description of the vehicles to be used in the business, and the place where the applicant proposes to operate. No vehicle other than those described in the application may be used in the business until the applicant has filed a supplemental application, describing such other or additional vehicles, and secured a supplemental or amended authorization.

§ 2. No authorization shall be issued by the Division of motor transportation unless the applicant has filed, with his application, a certificate of an insurance company, authorized to do business in this state, certifying that it has issued to the applicant a motor vehicle liability policy, complying with the requirements of Section 3 of this Act, and that such policy is in force and will be continued in force for not less than one year from the date of the application, subject to cancellation or termination only as provided in Section 4 of this Act. Such certificate shall give the effective date of the policy, which shall be the same as the effective date of the certificate, and shall designate by explicit description all motor vehicles covered by the policy, which must be the same motor vehicles described in the application. In the event an applicant files a supplemental application, for authorization to use other or additional motor vehicles in his business, a similar certificate shall be filed with the supplemental application, certifying either that a new policy has been issued covering such other or additional vehicles, or that a rider covering such vehicles has been issued upon the original policy. Upon each application for annual renewal of an authorization, a certificate similar to that required upon original application shall be filed, covering the ensuing year.

§ 3. No motor vehicle liability policy shall be deemed to meet the requirements of this Act unless it shall insure any person to whom any motor vehicle described in the policy

is leased, rented or hired, by the insured, and any person operating such motor vehicle with the consent of the person to whom it is so leased, rented or hired, against loss from the liability imposed by law for damages arising out of the operation of the motor vehicle within the United States or the Dominion of Canada, subject to limits exclusive of interest and costs, as follows: Ten thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and one thousand dollars because of injury to or destruction of property of others in any one accident. Such a policy must further comply with all of the provisions of subsections (4) to (111) of KRS 187.490, so far as the same are appilcable.

§ 4. When any insurance company has certified a motor vehicle liability policy under the provisions of Section 2 of this Act, the company may not cancel or terminate the policy, or be relieved of any liability thereunder, until after the expiration of fifteen days' notice to the Division of Motor Transportation of an intention to cancel or terminate the policy. The acceptance of such notice and the cancellation or termination of such policy shall not relieve the insurance company of any liability that accrued prior to the effective date of the cancellation or termination. Upon the cancellation or termination of such a policy, the authorization of the insured to engage in business shall be suspended, unless a new certificate, complying with the provisions of Section 2 of this Act, has been filed prior to the effective date of the cancellation or termination. If a new certificate is not filed within ten days after such date, the authorization shall be canceled.

§ 5. Any person who violates any of the provisions of this Act shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in jail for not less than ten days nor more than thirty days, or both.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	T. A. Noe, Jr.
Jason Alford	Carson Hibbitts	Joe E. Nunn
Roy W. Arnold	E. R. Hilton	H. S. Overby
Earl F. Ashcraft	C. J. Holsclaw	H. M. Pewitt
Sidney Baer	Richard R. Houpt	J. H. Polsgrove
Levi Baker	Clyde S. Howard	L. W. Preston
C. E. Baumgardner	D. W. Howard	E. F. Prichard
Isaac M. Blevins	M. G. Howard	Hobart Rayburn
Chas. J. Bronston	R. N. Hubbard	Ottis Roberts
Mrs. Mary Burnett	Ira W. Hulette	Lilburn S. Rogers
Chas. W. Burnley	Laban P. Jackson	Amos Runyan
Paul Carter	Kerby Jennings	Glenn Rushing
Earl W. Christian	Paul S. Jonas	Mrs. Rutherford
George I. Cline	L. H. Jones	LeRoy Saylor
Everett T. Cooper	Harry K. Lowman	James J. Shannon
Perry M. Cross	W. E. McClure	Paul E. Shannon
Horace T. Cull	F. G. Marquette	James S. Shaw
Owen Deering	C. D. Moberly	Jesse H. Shelton
G. I. Drury	Davis Moore	Harry Smith
Kermit Dwyer	Walter Moorman	Chas. L. Spillman
Otto W. Goff	Fred H. Morgan	G. W. Steinford
Henry C. Hale	E. C. Mullins	John M. Stumbo
N. M. Hamilton	Stanley Murphy	Albert Thomason

G. C. Thornton	John C. Watts	Rodney Whitlow
W. R. Tipton	Morris Weintraub	G. F. Williamson
Wilford S. Travis	Lynn Boyd Wells	Charles W. Wirsch

—78

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 212. An Act authorizing two or more counties to act jointly and cooperatively in the establishment and operation of a poorhouse or poor farm, or both.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Two or more adjacent counties may, by a contract approved by order of the fiscal court of each of the counties, provide for the establishment and operation of a joint poorhouse or poor farm, or combined poorhouse and poor farm. The contract may provide for the use of the existing lands and buildings owned and operated by one of the participating counties for poorhouse or poor farm purposes, with the title to remain in such county, or it may provide that one of the participating counties may convey to the other counties, a proportionate interest in the existing lands and buildings of such county. The contract may further provide that one or more or all of the participating counties shall liquidate its lands and buildings, used for poorhouse or poor farm purposes, and use the proceeds for the purpose of contributing to the establishment and operation of the joint project. In the event the contract shall provide for the acquisition of new

lands or buildings, the ownership of the new lands and buildings may be divided among the participating counties in proportion to the contribution made by each county to the joint project, or the ownership may be vested in the board of trustees for the joint project, as trustees for the participating counties.

§ 2. Any contract entered into pursuant to the provisions of Section 1 of this Act shall provide for apportioning the expenses of establishing and operating the joint project, between the participating counties, in proportion to the taxable property in each county or in such other proportion as may be agreed upon, taking into consideration the original contribution by each county to the joint project.

§ 3. Any contract entered into pursuant to the provisions of Section 1 of this Act shall provide for the appointment of a board of trustees for the joint project, to be composed of one member from each of the participating counties, appointed by the county judge, and, in the event the number of participating counties is an even number, one additional member to be appointed by the other members. The members may be appointed for such terms, not exceeding four years, as may be provided in the contract, and provision may be made for staggered terms. Vacancies shall be filled for the unexpired term, by the authority who made the original appointment. The board shall annually elect a chairman from among its members, to serve for a term of one year, and shall meet at the call of the chairman or at the request of any two members. Until such time as a chairman is elected by the board, the member appointed from the county having the largest population shall serve as temporary chairman. The members of the board shall serve without compensation, except that the contract may provide for the payment of a per diem to the members for attendance upon meetings of the board, out of the funds available for operation of the joint project.

§ 4. The board of trustees provided for in Secton 3 of this Act shall have authority to manage, control and operate the joint project, subject to such restrictions as may be

contained in the contract. The board may employ a manager or superintendent for the project, and other necessary personnel, including a treasurer or receiver to receive and disburse the funds available for or arising out of the operation of the project. The board shall further have authority, subject to any restrictions contained in the contract, to enter into contracts for the construction or acquisition of lands, buildings and other facilities for the joint project.

§ 5. Each county entering into a contract pursuant to the provisions of this Act may obligate itself to levy an annual tax, within the Constitutional limits, during the period of the contract, sufficient to pay its proportionate part of the expense of constructing or acquiring the lands, buildings and equipment for the joint project, and the cost of operating the project. Where such an obligation is provided for in the contract, the board of trustees of the joint project shall be deemed to be a governmental agency within the meaning of Chapter 58 of the Kentucky Revised Statutes, and may issue revenue bonds for the project under the provisions of that chapter and possess all of the other powers of a governmental agency under that chapter.

§ 6. Where revenue bonds have been issued for a joint project established under the provisions of this Act, the contract under which the project was established shall be irrevocable, and shall continue in force, so long as such bonds or any refunding bonds are outstanding. Otherwise, any such contract shall continue in force for a period of five years, and for successive periods of five years thereafter, subject to the right of any participating county to withdraw at the end of any five-year period, and subject to termination, or the release of any participating county, at any time with the consent of the fiscal courts of all of the participating counties. In the event of termination of the contract, or withdrawal of any county, a division of the property shall be made on the basis of the respective contributions of each county.

§ 7. Every county of this state shall possess the necessary power for the purposes of this Act, and such

appropriate powers as are now provided by law with respect to county poorhouses and poor farms.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Otto W. Goff	C. D. Moberly
Jason Alford	N. M. Hamilton	Davis Moore
Earl F. Ashcraft	James P. Hanratty	Walter Moorman
Sidney Baer	Carson Hibbitts	Fred H. Morgan
Levi Baker	E. R. Hilton	E. C. Mullins
C. E. Baumgardner	C. J. Holsclaw	Stanley Murphy
Fred Beshear	Richard R. Houpt	T. A. Noe, Jr.
Isaac M. Blevins	Clyde S. Howard	Joe E. Nunn
Chas. J. Bronston	R. N. Hubbard	H. S. Overby
Mrs. Mary Burnett	Ira W. Hulette	H. C. Patterson
Chas. W. Burnley	Laban P. Jackson	J. H. Polsgrove
Paul Carter	Kerby Jennings	L. W. Preston
Earl W. Christian	Paul S. Jonas	E. F. Prichard
George I. Cline	L. H. Jones	Hobart Rayburn
Robert Collins	Harry K. Lowman	Ottis Roberts
Everett T. Cooper	W. E. McClure	Glenn Rushing
Horace T. Cull	F. G. Marquette	Mrs. Rutherford
G. I. Drury	E. H. Martin	Dr. K. N. Salyer

LeRoy Saylor	John M. Stumbo	Morris Weintraub
James J. Shannon	Albert Thomason	Lynn Boyd Wells
Paul E. Shannon	W. R. Tipton	Rodney Whitlow
James S. Shaw	Wilford S. Travis	G. F. Williamson
Harry Smith	John C. Watts	Charles W. Wirsch
Chas. L. Spillman	Lawrence Watts	—71

Those who voted in the negative were—

Perry M. Cross	D. B. Saylor	—2

Resolved that the title thereof be as aforesaid.

Mr. McClure moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Jennings moved that the rules be suspended for the purpose of allowing a resolution to be offered.

Said motion was agreed to by a majority of the members elected.

Thereupon Messrs. Jennings, Thornton and Ashcraft offered the following resolution, viz.:

H. Res. B. Resolution in honor of Mrs. R. H. Pewitt.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That this body express to the family of Mrs. R. H. Pewitt their deepest sympathy in their hour of sorrow and their keen regret that she should have been taken at a time when her son, Harvey M. Pewitt, First District, was attaining his greatest usefulness as a member of the House of Representatives.

Mrs. Pewitt was a genteel and loving mother who commanded the respect and admiration of all of the people of Fulton County.

The House expresses through her son, Representative Harvey M. Pewitt, its deep regret in the loss of his best friend—mother.

Mr. Jennings moved that the House do now adopt said resolution.

Said motion was agreed to,

And thereupon said resolution was adopted.

Mr. Jennings moved that the Chief Clerk of the House be directed to send a copy of said resolution to the Honorable Harvey Pewitt.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 126. An Act to provide a lien on radios, phonographs, and combinations thereof, automatic music players, refrigerators and all portable electrical instruments or appliances, in favor of the person, firm or corporation engaged in the business of repairing, and repairing such articles, and for a sale of such articles upon failure of the owner to pay the charges for repairs, storage and expenses incidental to sale.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) All persons, firms and corporations engaged in the business of repairing radios, phonographs, combinations thereof, automatic music instruments, refrigerators, and any and all portable electrical instruments or appliances shall have a lien upon such articles and appliances for the agreed or reasonable charge for parts, supplies, accessories and labor performed in their repair, said lien to attach upon completion of such repairs.

(2) After completion of repairs the owner shall be notified thereof orally or by registered mail, and if the repaired article be not removed and all charges paid within 30 days after giving the notice, the person, firm or corporation making such repairs may hold such repaired articles and sell same at public sale to pay all agreed or reasonable charges, including charges for storage after notice of completion of repairs, and expenses incidental to advertisement and sale, accounting to the owner for any excess of charges and expenses.

(3) Provided further that before any sale of the repaired article the person, firm or corporation making the repairs shall at least one week before sale advertise the time and place of sale for two consecutive days in some newspaper of general circulation published in the county, city or town wherein the repairs were made.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Bernhardt Bauer	George I. Cline
Jason Alford	Fred Beshear	Robert Collins
Earl F. Ashcraft	Chas. J. Bronston	Everett T. Cooper
Levi Baker	Mrs. Mary Burnett	G. I. Drury

Otto W. Goff	C. D. Moberly	Dr. K. N. Salyer
N. M. Hamilton	Fred H. Morgan	James J. Shannon
C. J. Holsclaw	T. A. Noe, Jr.	Paul E. Shannon
Richard R. Houpt	Joe E. Nunn	G. W. Steinford
Ira W. Hulette	H. M. Pewitt	Albert Thomason
Paul S. Jonas	L. W. Preston	G. C. Thornton
L. H. Jones	E. F. Prichard	John C. Watts
Harry K. Lowman	Hobart Rayburn	Rodney Whitlow
W. E. McClure	Amos Runyan	G. F. Williamson
E. H. Martin	Mrs. Rutherford	—41

Those who voted in the negative were—

C. E. Baumgardner	M. G. Howard	LeRoy Saylor
Chas. W. Burnley	Kerby Jennings	James S. Shaw
Earl W. Christian	E. C. Mullins	Harry Smith
Perry M. Cross	Ottis Roberts	John M. Stumbo
Kermit Dwyer	Lilburn S. Rogers	W. R. Tipton
Carson Hibbitts	Glenn Rushing	Lynn Boyd Wells
Clyde S. Howard	D. B. Saylor	Charles W. Wirsch
		—21

Resolved that the title thereof be as aforesaid.

Mr. Hulette moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 67. An Act amending Section 311.210 of the and office hours of the optometrist.
Kentucky Revised Statutes, relating to optometrists and the practice of optometry.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 311.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board may suspend, revoke or refuse to issue a license to practice optometry for any of the grounds listed in KRS 311.110.

(2) It may also revoke any optometrist's license for:

(a) Practicing as an itinerant or peddling from door to door, establishing a temporary office or practicing optometry outside or away from his regular office or place of business.

(b) Committing any gross immorality or fraud, or making any false statement.

(c) Employing, procuring or inducing any person not holding a license to practice optometry or any branch of medicine or aiding or abetting such person to practice optometry or any branch of medicine.

(d) Advertising superority of performance of professional service or seeking patronage by advertising prices for eyeglasses, spectacles, ophthalmic lenses, frames, mountings or optometric devices.

(e) Seeking patronage by advertising free optometric services or free examinations, making any statement or advertising or claiming to guarantee any optometric service or any eyeglasses, lenses, frames or mountings.

(f) Seeking patronage by means of solicitors, canvassers or agents, or by publishing, directly or indirectly, any false, fraudulent or misleading statement as to skill or method of practice of any person in the practice of medicine or optometry.

(g) Seeking patronage by means of radio, handbills, posters, circulars, newspapers, or periodicals, that set forth more than the name, profession, title, location, phone number, and office hours of the optometrist.

(3) Nothing in this section shall prevent any optometrist from establishing branch offices if such offices are fully equipped with the instruments necessary to make an optometric examination and if every such office is in charge of a licensed optometrist.

(4) No license may be refused, suspended or revoked except as provided in KRS 311.120.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	Joe E. Nunn
Jason Alford	James P. Hanratty	H. S. Overby
Roy W. Arnold	E. R. Hilton	H. M. Pewitt
Earl F. Ashcraft	C. J. Holsclaw	J. H. Polsgrove
Sidney Baer	Clyde S. Howard	E. F. Prichard
Bernhardt Bauer	M. G. Howard	Hobart Rayburn
C. E. Baumgardner	Ira W. Hulette	Lilburn S. Rogers
Fred Beshear	Laban P. Jackson	Amos Runyan
Chas. J. Bronston	Paul S. Jonas	Glenn Rushing
Mrs. Mary Burnett	J. Ernest Jones	Mrs. Rutherford
Chas. W. Burnley	Harry K. Lowman	LeRoy Saylor
Earl W. Christian	W. E. McClure	James J. Shannon
Perry M. Cross	F. G. Marquette	Paul E. Shannon
Horace T. Cull	E. H. Martin	James S. Shaw
Owen Deering	C. D. Moberly	Jesse H. Shelton
G. I. Drury	Davis Moore	Harry Smith
Kermit Dwyer	Fred H. Morgan	John M. Spaulding
Otto W. Goff	Stanley Murphy	G. W. Steinford
Henry C. Hale	T. A. Noe, Jr.	John M. Stumbo

Albert Thomason	Wilford S. Travis	Lawrence Watts
G. C. Thornton	John C. Watts	G. F. Williamson

—63

Those who voted in the negative were—

Paul Carter	L. W. Preston	Lynn Boyd Wells
Kerby Jennings	Ottis Roberts	Charles W. Wirsch
E. C. Mullins		

—7

Resolved that the title thereof be as aforesaid.

Mr. McClure moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Steinford moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to by a majority of the members elected.

Thereupon bills of the following titles were introduced, viz.:

By Messrs. Steinford and Paul S. Shannon.

H. B. No. 323. An Act to authorize the procurement and award of a military service medal to be known as the Conspicious Service Cross to Kentucky War veterans having received a citation or the Purple Heart Medal; and appropriating money therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Department of Military Affairs through the use of funds that may be specifically appropriated by this

Act, shall cause to be designed and manufactured a military service medal with ribbon together with a metal device not more than three-sixteenths (3/16) of an inch in diameter to be attached to the ribbon of such military service medal for each succeeding citation. The medal so designed shall be known as the Conspicuous Service Cross. The Department of Military Affairs may employ a competent artist or artists to design such ribbon medal bearing a suitable inscription together with a citation attachment, at fee not to exceed one hundred dollars, or may provide for the selection of the design through a public competition, with a reward of not to exceed one hundred dollars for the winning design. After the selection of the design, the department shall advertise for bids for the manufacture of the number of medals that will be required for distribution, and shall award the contract to the lowest and best bidder.

§ 2. The Governor, in the name of the General Assembly of the Commonwealth of Kentucky, shall present the Conspicuous Service Cross to any citizen of the State of Kentucky who while serving in the United States Army, Navy, Marine Corps or in the Army Nurse Corps, since April 6, 1917, has or shall have received a citation published in an order issued from a headquarters of a brigade or higher military unit, or equivalent naval unit, or has or shall have received the Purple Heart Medal. The Governor is further authorized to present the Conspicuous Service Cross to Kentucky troops or citizens of this state who while serving with the allied armies, received citations as provided in this Act. Not more than one military cross shall be issued to any person, nor shall any medal be awarded or presented under the provisions of this Act to any person whose entire service subsequent to the time of the receipt of such citation shall not have been honorable. For each succeding citation as provided herein, such person shall be entitled to wear, as the Department of Military Affairs may direct, a metal device to be attached to the ribbon of the Conspicuous Service Cross. In the event of the death of any person during or subsequent to the receipt of such citation the Conspicuous Service Cross shall be presented to such representative of the deceased as

may be designated. The Department of Military Affairs shall provide a suitable certificate of award for the presentation of the Conspicuous Service Cross.

§ 3. Applications for the medal provided for by this Act, shall be made to the Department of Military Affairs prior to June 30, 1950, in such form and accompanied by such proof of eligibility as the department may prescribe by regulation. The department may prescribe such rules and regulations as may be necessary for the expeditious distribution of such medals.

§ 4. There is hereby appropriated to the Department of Military Affairs out of the General Expenditure Fund of the State Treasury for the fiscal year ending June 30, 1949, the sum of ten thousand dollars ($10,000), to be used for the purpose of carrying out the provisions of this Act.

By Mr. Lowman.

H. B. No. 324. An Act amending the Teachers' Retirement Law by providing for eligibility to membership for present and future members of instructional and administrative staffs of public Junior Colleges created and maintained under Section 165.160 to 165.260 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Districts, Institutions and Offices Included in System.—The retirement system shall embrace all of the public elementary and secondary schools of the state and the institutions and offices enumerated in subsection (4) of KRS 161.220.

(2) The retirement system shall further embrace any existing public Junior Colleges established and maintained under 165.160 to 165.260, KRS, inclusive, the members of the

instructional and administrative staffs of which shall on and after July 1, 1948, be eligible to membership in the Teachers' Retirement System of the State of Kentucky with the following options as to said membership:

(a) Any present member of the instructional and administrative staffs may individually decline membership and waive all obligations and rights under the statutes 161.220 to 161.710, KRS, inclusive, by acknowledgement on a proper form provided by the Board of Trustees.

(b) Any present member of the instructional and administrative staffs may come into membership with the status of "new" teacher entering service on July 1, 1948.

(c) Any present member of the instructional and administrative staffs may make the retirement contribution provided by law for any year or years subsequent to July 1, 1940, taught in the institution in which now employed and in addition thereto an actuarial adjustment of three per cent compound interest and receive service credit as if payment had been made currently as their respective duties were performed. Members of the staff taking this option shall be entitled to prior service credit as defined in KRS 161.220 (7). A true record of all such service shall be filed in the office of the Board of Trustees of the Teachers' Retirement System.

(3) The foregoing options must be determined in writing prior to July 1, 1948. If no option is made on the part of any member of the staffs, his status shall be that of option (b) and membership in the Retirement System shall be required as a condition of employment. On and after July 1, 1948, membership shall be compulsory as a condition of employment for all new members of the instructional and administrative staffs of said existing public Junior Colleges.

(4) The obligations, rights, benefits, and privileges created by subsections (2) and (3) of this section shall be extended to any public Junior College or Colleges created after July 1, 1948, and created and maintained under Section 165.160 to 165.260, KRS, inclusive, under such rules and

regulations not inconsistent with the statutes as the Board of Trustees of the Teachers' Retirement System may adopt.

Ordered that said bills be printed and referred.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 9. An Act relating to juries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 29.130 of the 1946 edition of the Kentucky Revised Statutes is amended to read as follows:

(1) At each term of circuit court, of circuit courts having terms, the judge shall, in open court, draw from the drum a sufficient number of names to procure the names of twenty-four persons qualified to act as grand jurors, record the names of the twenty-four qualified upon paper, certify and sign it. The judge shall then, after having locked and revolved or shaken the drum, reopen it and draw therefrom the names of not less than thirty nor more than thirty-six persons, in the discretion of the judge, to act as petit jurors, record their names on paper, certify and sign it. Sessions of a court having continuous session held at the county seat of a county in which there is a city of the second class at which part of its sessions are authorized to be held shall be deemed terms of court within the meaning of this section.

(2) In courts of continuous session, except the courts in counties containing a city of the first class, the judge of the court, or if the court has branches the judge of the criminal branch, shall, in open court, on a day one week next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names to procure twenty-four persons qualified to act as grand jurors, record the names of the twenty-four qualified upon paper, certify and sign it. In such courts the judge of the court, or if the

court has branches the judge of each division requiring the services of a petit jury, shall, in open court, every four weeks, or oftener in the discretion of the judge, on a day one week next before the day upon which they shall be summoned to appear, draw from the drum the names of not less than thirty nor more than thirty-six persons to act as petit jurors, record their names on paper, certify and sign it. In such courts the names of all persons drawn as grand and petit jurors shall be publicly announced when drawn, and entered of record in the order drawn, and a petit jury drawn by the judge of one branch of the court may be used by the judge of the other branch of the court.

(3) In courts of counties containing a city of the first class, the judge of the criminal branch shall, on a day one week next before the day on which they shall be summoned to appear, draw from the drum a sufficient number of names, in the discretion of the judge, to procure a sufficient number of persons qualified to act as grand jurors, and shall make a written record thereof, which he shall certify and sign. In such courts the judge of each division requiring the services of a petit jury shall, every two weeks, on a day one week next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names, not to exceed sixty, in the discretion of the judge, to procure twenty-four persons qualified to act as petit jurors. The clerk of the court or the official stenographer, as directed by the court, shall prepare a record thereof on paper, which shall be certified and signed by the judge.

(4) In courts of continuous session, if the day on which the drawing is prescribed to be done is a holiday, the judge shall draw the names on the following day.

(5) The judge shall destroy the slips on which are written the names placed on the lists as soon as the names are recorded on the lists. If in drawing the grand jurors the name of a person not having the qualifications of a grand juror is drawn, it shall be forthwith returned to the drum, and if at any drawing the name of a person temporarily disqualified is drawn, it shall be replaced in the drum, but if

the name of any person permanently disqualified for any jury service is drawn, the slip on which it is written shall be destroyed.

(6) From the list of names of persons qualified to act as grand jurors, the next grand jury shall be drawn, and from the list of names of persons qualified to act as petit jurors, not less than twenty-four nor more than thirty jurors shall be selected, in the discretion of the judge, to constitute the regular panel of the next petit jury.

Mr. Jonas offered the following amendment to said bill, viz.:

Amend House Bill No. 9, page 2, Section 2, line 28, after the words "sign it.", by removing the following words:

"In such courts the names of all persons drawn as grand and petit jurors shall be publicly announced when drawn, and entered of record in the order drawn, and"

Mr. Jonas moved that the House do now adopt said amendment to said bill.

Said motion was agreed to.

And thereupon said amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and

same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Clyde S. Howard	Lilburn S. Rogers
Jason Alford	M. G. Howard	Amos Runyan
Earl F. Ashcraft	Ira W. Hulette	Mrs. Rutherford
Sidney Baer	Laban P. Jackson	Dr. K. N. Salyer
Levi Baker	Paul S. Jonas	D. B. Saylor
Bernhardt Bauer	L. H. Jones	LeRoy Saylor
C. E. Baumgardner	Harry K. Lowman	James J. Shannon
Fred Beshear	W. E. McClure	Paul E. Shannon
Chas. J. Bronston	F. G. Marquette	James S. Shaw
Paul Carter	E. H. Martin	Jesse H. Shelton
Earl W. Christian	C. D. Moberly	Harry Smith
Robert Collins	Davis Moore	John M. Spaulding
Perry M. Cross	Walter Moorman	Chas. L. Spillman
Horace T. Cull	Fred H. Morgan	G. W. Steinford
Owen Deering	E. C. Mullins	John M. Stumbo
G. I. Drury	Stanley Murphy	Albert Thomason
Kermit Dwyer	T. A. Noe, Jr.	G. C. Thornton
Otto W. Goff	H. S. Overby	Wilford S. Travis
N. M. Hamilton	H. C. Patterson	John C. Watts
James P. Hanratty	H. M. Pewitt	Lawrence Watts
Carson Hibbitts	L. W. Preston	Morris Weintraub
E. R. Hilton	E. F. Prichard	Rodney Whitlow
C. J. Holsclaw	Hobart Rayburn	G. F. Williamson
Richard R. Houpt	Ottis Roberts	Charles W. Wirsch

—72

Resolved that the title thereof be as aforesaid.

Mr. Jonas moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 133. An Act to provide for the compensation to the owners of domestic rabbits for destruction or injury by dogs, by amending KRS 258.010 so as to include domestic rabbits in the definition of "livestock."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 258.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Commissioners" means the Commissioner of Agriculture, Labor and Statistics.

(2) "Kennel" means any establishment in which dogs are kept for the purpose of breeding, sale or sporting.

(3) "Livestock" includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, domestic rabbits, and all domestic fowl.

(4) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog, every person who keeps or harbors the dog or has it in his care and every person who permits the dog to remain on or about any premises occupied by him.

(5) "Police officer" means any sheriff or his deputies or anyone who has been appointed by the sheriff and whose duty it is to enforce this chapter.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Clyde S. Howard	E. F. Prichard
Jason Alford	M. G. Howard	Amos Runyan
Sidney Baer	R. N. Hubbard	Glenn Rushing
Levi Baker	Ira W. Hulette	Mrs. Rutherford
C. E. Baumgardner	Paul S. Jonas	James J. Shannon
Fred Beshear	J. Ernest Jones	Paul E. Shannon
Chas. W. Burnley	Harry K. Lowman	James S. Shaw
Earl W. Christian	F. G. Marquette	John M. Spaulding
George I. Cline	E. H. Martin	Chas. L. Spillman
Horace T. Cull	C. D. Moberly	Albert Thomason
Owen Deering	Davis Moore	G. C. Thornton
G. I. Drury	Walter Moorman	W. R. Tipton
Kermit Dwyer	Fred H. Morgan	Wilford S. Travis
Otto W. Goff	E. C. Mullins	John C. Watts
N. M. Hamilton	T. A. Noe, Jr.	Lynn Boyd Wells
James P. Hanratty	H. S. Overby	Rodney Whitlow
E. R. Hilton	H. C. Patterson	G. F. Williamson
C. J. Holsclaw	J. H. Polsgrove	Charles W. Wirsch
Richard R. Houpt	L. W. Preston	—56

Those who voted in the negative were—

Earl F. Ashcraft	Carson Hibbitts	LeRoy Saylor
Paul Carter	Joe E. Nunn	Harry Smith
Robert Collins	Ottis Roberts	John M. Stumbo
Everett T. Cooper	Lilburn S. Rogers	Lawrence Watts
Perry M. Cross	D. B. Saylor	—14

Resolved that the title thereof be as aforesaid.

Mr. Houpt moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 19. An Act amending Section 29.390 of the Kentucky Revised Statutes, relating to the compensation of jurors.

With Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit courts shall each be paid five dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive five dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together over night in custody of the sheriff, petit jurors shall receive one dollar additional for each night they are kept together.

(3) In courts inferior to the circuit court each juror shall be paid fifty cents for each case in which he serves.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. No. 19 on page 1, section 1, lines 7 and 8, by striking the words "who reside outside the corporate limits of the city in which the court sits,"

Mr. Polsgrove moved that the House do now adopt said Committee amendment to said bill.

Said motion was agreed to.

And thereupon said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Paul Carter	Otto W. Goff
Earl F. Ashcraft	Earl W. Christian	Henry C. Hale
Bernhardt Bauer	Robert Collins	N. M. Hamilton
C. E. Baumgardner	Everett T. Cooper	Carson Hibbitts
Fred Beshear	Perry M. Cross	E. R. Hilton
Isaac M. Blevins	Owen Deering	C. J. Holsclaw
Chas. J. Bronston	G. I. Drury	Richard R. Houpt
Chas. W. Burnley	Kermit Dwyer	Clyde S. Howard

M. G. Howard	Hobart Rayburn	John M. Spaulding
Ira W. Hulette	Ottis Roberts	Chas. L. Spillman
Paul S. Jonas	Lilburn S. Rogers	G. W. Steinford
L. H. Jones	Amos Runyan	John M. Stumbo
F. G. Marquette	Glenn Rushing	Albert Thomason
E. H. Martin	Mrs. Rutherford	G. C. Thornton
C. D. Moberly	Dr. K. N. Salyer	W. R. Tipton
Fred H. Morgan	D. B. Saylor	Lawrence Watts
E. C. Mullins	LeRoy Saylor	Morris Weintraub
Stanley Murphy	James J. Shannon	Lynn Boyd Wells
T. A. Noe, Jr.	Paul E. Shannon	Rodney Whitlow
H. M. Pewitt	James S. Shaw	G. F. Williamson
L. W. Preston	Harry Smith	Charles W. Wirsch
E. F. Prichard		—64

Those who voted in the negative were—

Mrs. Mary Burnett	Laban P. Jackson	Walter Moorman
B. G. Davidson	Kerby Jennings	H. S. Overby
James P. Hanratty	W. E. McClure	Wilford S. Travis
R. N. Hubbard		—10

Resolved that the title thereof be as aforesaid.

Mr. Runyan moved that the vote by which said bill was passed be reconsidered and that said motion be aid on the table.

Said last named motion was agreed to.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported to this House as follows, viz.:

House Bill No. 284—Committee on Courts.

House Bill No. 285—Committee on Conservation.

House Bill No. 286—Committee on Education No. 1.

House Bill No. 287—Committee on Kentucky Statutes No. 1.

House Bill No. 288—Committee on Veterans.

House Bill No. 289—Committee on Ways and Means.

House Bill No. 290—Committee on Kentucky Statutes No. 2.

House Bill No. 291—Committee on Kentucky Statutes No. 1.

House Bill No. 292—Committee on Cities of the Second Class.

House Bill No. 293—Committee on Kentucky Statutes No. 2.

House Bill No. 294—Committee on Revenue and Taxation No. 1.

House Bill No. 295—Committee on Rural Highways No. 1.

House Bill No. 296—Committee on Kentucky Statutes No. 2.

House Bill No. 297—Committee on Oils and Minerals.

House Bill No. 298—Committee on Constitutional Amendments.

House Bill No. 299—Committee on Agriculture No. 1.

House Bill No. 301—Committee on Cities of the Third Class.

House Bill No. 302—Committee on Kentucky Statutes No. 2.

House Bill No. 303—Committee on Cities of the First Class.

House Bill No. 304—Committee on Cities of the First Class.

House Bill No. 305—Committee on Fire and Marine Insurance.

House Bill No. 306—Committee on Fire and Marine Insurance.

House Bill No. 307—Committee on Kentucky Statutes No. 1.

House Bill No. 308—Committee on Kentucky Statutes No. 1.

House Bill No. 309—Committee on Banks and Banking.

House Bill No. 310—Committee on Cities of the Sixth Class.

House Bill No. 311—Committee on Kentucky Statutes No. 2.

House Bill No. 312—Committee on Kentucky Statutes No. 1.

House Bill No. 313—Committee on Roads and Highways.

House Resolution No. 30—Committee on Claims.

House Resolution No. 32—Committee on Claims.

Senate Bill No. 29—Committee on Public Health.

Senate Bill No. 47—Committee on Cities of the First Class.

Senate Bill No. 48—Committee on Cities of the First Class.

Senate Bill No. 89—Committee on Cities of the Second Class.

Senate Bill No. 125—Committee on Kentucky Statutes No. 1.

Senate Bill No. 132—Committee on Cities of the Third Class.

Senate Resolution No. 15—Committee on Claims.

Senate Resolution No. 19—Committee on Claims.

The Chief Clerk produced and read the following communication from Mr. William S. King, Clerk of the Senate of the State of New York, viz.:

Hon. Byron H. Royster, Clerk
Kentucky House of Representatives
Frankfort, Kentucky

Dear Mr. Royster:

I am enclosing herewith copy of Senate Concurrent Resolution No. 11, introduced by Mr. Anderson, adopted in the Senate on January 12, 1948, and concurred in by the Assembly on February 2, 1948, memorializing Congress to amend the Federal income tax law by eliminating the inequitable tax discrimination between residents of the so-called community property states and the so-called common law states.

Very truly yours,
(Signed) William S. King
Clerk of the Senate

Said resolution is as follows, viz.:

STATE OF NEW YORK
IN SENATE
Albany

Senate Reso. No. 11

January 12, 1948
By Mr. Anderson:

Whereas, it is our belief that a fundamental American concept of government is the establishment and maintenance

of equity and freedom from discrimination among citizens in their relation to government, and

Whereas, it is further our belief that such equity and freedom from discrimination does not now exist in the matter of the imposition of Federal income taxes pursuant to Article XVI of the Constitution of the United States and its implementing statutes, because of the inequality of the income tax burdens upon the residents of a few states of the Union and those of the many other states resulting from the so-called community property laws of said few states, and

Whereas, it is our belief that such inequality is substantial and places an additional estimated tax of one hundred and seventy million dollars annually upon a large segment of the residents of this state, and

Whereas, it would be tremendously difficult for the so-called common law states to uproot their rules of property in an effort to remove this discrimination, and

Whereas, it is our belief that the best and most equitable means available for the removal of this tax discrimination lies within the legislative powers of the Congress and the legislative approval powers of the Chief Executive.

Now, Therefore be it Resolved, (if the Assembly concur), that the Legislature of the State of New York respectfully urge the Congress of the United States to speedily correct the Federal income tax law by eliminating the inequitable tax discrimination between residents of the so-called community property states and the so-called common law states, of which this state is one, and

Be it Further Resolved, (if the Assembly concur), that the Legislature of the State of New Yorg respectfully urge the President of these United States to speedily approve such corrective legislation when, as and if submitted to him for executive approval, and

Be it Further Resolved, that copies of this resolution be sent to the President of the United States, to each member of

Congress and to the Governor and legislative body of every common law state in the Union.

By Order of the Senate
William S. King
Clerk

IN ASSEMBLY

February 2, 1948
Concurred in without amendment
By order of Assembly
Ansley B. Borkowski, Clerk

The Chief Clerk produced and read a report from the Department of Revenue.

Mr. John C. Watts moved that said report be spread at length upon the Journal.

Said motion was agreed to.

Said report of the Department of Revenue is as follows, viz.:

January, 1948

NEW COMMISSIONER OF REVENUE

Effective January 8, H. Clyde Reeves, recent general manager of the Louisville Railway Company and former Commissioner of Revenue under Governors A. B. Chandler and Keen Johnson, was appointed Commissioner of Revenue by Governor Earle C. Clements to succeed Azro Hadley, Commissioner of Revenue since June 7, 1947.

TAX REVENUE TREND

Total tax collections for the first seven months of the fiscal year were $44,787,366, an increase of 1 per cent over the corresponding period of last year. However, if a large nonrecurring payment for last year of approximately $3,-

600,000 is excluded, collections to date are running about 10 per cent higher than during the first seven months of the 1946-47 fiscal year.

General Fund revenue collections for the current fiscal year are $26,772,972. This is a decline of 6 per cent over the same period last year; but if the nonrecurring payment mentioned above is excluded, collections for the year to date show an increase of nearly 8 per cent. The large decline for January as compared with January of last year is attributable mainly to the nonrecurring item of last year, the substantial decline is distilled spirits production taxes, and tax reporting irregularities.

Road Fund collections of $17,027,316 for the fiscal year to date are over 11 per cent above the corresponding period last year, reflecting increased purchases of new automobiles and high rates of gasoline consumption.

The consumer taxes as a whole, owing primarily to larger collections from the motor fuel and usage taxes, continue to increase as compared with the past fiscal year. However, the consumption taxes on distilled spirits, beer, and amusements are declining. These divergent trends among the consumer excises may possibly indicate that the high cost of necessities, together with increased purchasing of formerly scarce durable goods and other consumer items which are becoming more generally available, is leaving relatively less income to be spent for luxuries.

Increased revenues are reflected from most license fees and privilege taxes. The only large decrease in this group are in distilled spirits production taxes and distilled spirits import taxes, which are due mainly to the restricted use of grain.

Income tax collections were over 37 per cent higher during the first seven months of this fiscal year than for the same period last year. This reflects sizeable increases in both personal and corporate incomes, particularly in corporate incomes. From the first of July through January the corporation income tax yielded $3,478,581, as compared with $2,313,769 during the corresponding period of the 1946-47

fiscal year, or an increase of over 50 per cent; and if the nonrecurring payment of $829,314 in January, 1947, is excluded, the percentage increase in corporation income taxes is even more impressive.

The amount shown for property tax collections in January, 1947, is also distorted by an extraordinary franchise tax payment. With the exclusion of this item, property taxes for the fiscal year to date show some increase over the same period of the previous year.

CIRCULARS

Circular GP-100, revised, gives instructions to county court clerks and tax commissioners on filling out Revenue Form Form 303, which is a report of the action taken by the board of supervisors.

Circular GP-101 explains that a copy of the order of the fiscal court directing one member of the board of supervisors to be appointed from each magisterial district must be filed with the Department of Revenue before any claims for services may be paid.

Circular GP-102 gives instructions to county court clerks on the second and final property tax recapitulation. This recapitulation shows the assessment of the county after revisions and corrections by the board of supervisors.

Circular VL-15, distributed to all Kentucky distillers and bonded warehouse owners, lists ad valorem tax rates on distilled spirits for the fiscal year ending August 31, 1948, and shows the tax due for the three reporting periods—December 31, 1947, April 30, 1948, and August 31, 1948.

Table 1

STATE TAX COLLECTIONS FOR JANUARY 1948
AS COMPARED TO JANUARY 1947

	January 1948	January 1947
TOTAL	$ 5,426,851.16	$10,537,588.82
Consumer Taxes	2,913,305.52	3,511,077.04
Motor fuels	1,412,941.83	1,839,324.19
Motor usage	350,143.48	269,148.17

Distilled spirits	$ 311,805.44	$ 364,936.94
Beer	130,392.63	174,484.74
Wine	23,522.56	7,737.10
Cigarette	384,713.44	380,124.85
Insurance premium	107.18	205,296.05
Utility gross receipts	191,401.90	159,147.80
Amusement (combined)	108,277.06	110,877.20
License and Privilege Taxes	1,361,411.83	1,893,414.90
Motor vehicle registration	781,289.42	544,049.54
Motor transportation	209,295.55	305,232.95
Motor vehicle operator's	7,704.24	9,815.71
Distilled spirits production	157,989.54	793,411.75
Distilled spirits import	58,374.27	108,160.03
Distilled spirits and wine license	4,269.05	18,029.52
Beer license	1,314.56	1,362.40
Occupational license	10,007.66	14,512.50
Corporation license	18,099.83	13,215.38
Corporation organization	3,216.50	5,236.65
Chain store license	.00	18.66
Hunting, fishing and dog	98,433.04	72,770.33
Race track and carnival license	.00	.00
Oil production	11,418.17	7,599.48
Income Taxes	310,378.79	1,115,373.62
Individual	127,597.74	213,209.94
Corporation	182,781.05	902,163.68
Property Taxes	564,561.93	3,705,276.62
General	219,710.66	150,186.04
Franchise	46,651.78	3,294,670.76
Bank deposits	944.45	414.02
Distilled spirits ad valorem	283,332.58	201,557.66
Building and loan association	161.40	.00
Omitted and delinquent	13,761.06	58,448.14
Inheritance and Estate Taxes	210,620.85	257,402.29
Miscellaneous Revenues	66,572.24	55,044.35
Legal process	50,736.63	48,304.99
Payments in lieu of taxes	6,721.96	6,250.00
Departmental sales	4,185.61	430.89
Abandoned property and escheats	4,928.04	58.47
Distribution by Funds	$ 5,426,851.16	$10,537,588.82
General	2,567,022.13	7,490,589.08
Road	2,626,157.20	2,856,586.91
Other	233,671.83	190,412.83

Table 2

STATE TAX COLLECTIONS FOR JULY THROUGH JANUARY 1947-48 AS COMPARED TO JULY THROUGH JANUARY 1946-47

	July through January 1947-48	1946-47
TOTAL	$44,787,365.90	$44,340,538.17
Consumer Taxes	23,684,968.28	22,141,933.48
Motor fuels	13,168,113.69	12,135,073.15
Motor usage	1,941,909.81	1,373,689.97
Distilled spirits	2,278,757.61	2,667,054.66
Beer	1,024,993.33	1,078,087.84
Wine	95,655.97	76,400.75
Cigarette	2,884,394.41	2,617,501.60
Insurance premium	294,838.14	296,162.83
Utility gross receipts	1,079,113.83	942,530.99
Amusement (combined)	917,191.49	955,431.69
License and Privilege Taxes	6,024,161.12	6,322,201.27
Motor vehicle registration	1,155,372.73	860,847.79
Motor transportation	505,483.27	607,955.39
Motor vehicle operator's	535,786.44	502,574.55
Distilled spirits production	1,568,309.09	2,183,473.45
Distilled spirits import	502,347.06	657,364.40
Distilled spirits and wine license	165,304.17	59,497.80
Beer license	44,730.47	14,977.46
Occupational license	538,510.64	499,861.71
Corporation license	68,737.09	438,495.14
Corporation organization	20,205.00	18,215.60
Chain store license	.00	2,020.61
Hunting, fishing and dog	389,622.73	355,390.68
Race track and carnival license	66,500.00	67,500.00
Oil production	63,252.43	54,026.69
Income Taxes	4,935,436.06	3,590,489.26
Individual	1,456,854.86	1,276,720.36
Corporation	3,478,581.20	2,313,768.90
Property Taxes	8,244,182.24	10,358,048.58
General	5,079,469.43	4,414,594.37
Franchise	1,584,085.68	4,333,050.48
Bank deposits	1,007,599.87	983,021.50
Distilled spirits ad valorem	424,053.60	363,136.92
Building and loan association	21,275.82	8,843.68
Omitted and delinquent	127,697.84	255,401.63
Inheritance and Estate Taxes	1,450,321.27	1,474,450.37
Miscellaneous Revenues	448,296.93	453,415.21
Legal process	344,739.34	346,094.83

Payments in lieu of taxes	$ 76,468.78	$ 81,454.44
Departmental sales	9,941.60	7,565.51
Abandoned property and escheats	17,147.21	18,300.43
Distribution by Funds:	$44,787,365.90	$44,340,538.17
General	26,772,972.07	28,474,694.60
Road	17,027,315.74	15,271,660.38
Other	987,078.09	594,183.19

Table 3

STATE TAX RECEIPTS BY MONTHS

1945-46, 1946-47 and 1947-48

	1947–48	1946–47	1945–46
TOTAL	$	$80,984,196.98	$64,341,956.71
July	7,101,755.87	5,828,169.60	4,678,640.32
August	5,360,047.58	4,808,439.36	4,326,109.74
September	5,591,074.76	4,786,584.14	3,368,926.40
First Quarter	18,052,878.21	15,423,193.10	12,373,676.46
October	6,346,311.89	4,679,506.31	3,949,153.73
November	6,897,337.53	7,507,704.58	7,443,904.25
December	8,063,987.11	6,192,545.36	4,563,524.77
Second Quarter	21,307,636.53	18,379,756.25	15,956,582.75
January	5,426,851.16	10,537,588.82	4,711,841.40
February		7,276,072.90	5,580,933.03
March		9,246,183.72	8,156,113.07
Third Quarter		27,059,845.44	18,448,887.50
April		8,565,658.12	6,829,909.77
May		6,535,103.35	6,140,337.49
June		5,020,640.72	4,592,562.74
Fourth Quarter		20,121,402.19	17,562,810.00

Table 4

STATE TAX RECEIPTS BY AGGREGATE SOURCES
JULY THROUGH JANUARY 1946–47 and 1947–48

	1947–48	1946–47	Percentage Change
TOTAL	$44,787,365.90	$44,340,538.17	1.0
Consumers Taxes	23,684,968.28	22,141,933.48	7.0
License and Privilege Taxes	6,024,161.12	6,322,201.27	—4.7
Income Taxes	4,935,436.06	3,590,489.26	37.4

Property Taxes	$ 8,244,182.24	$10,358,048.58	—20.4
Inheritance Taxes	1,450,321.27	1,474,450.37	— 1.6
Miscellaneous Revenue	448,296.93	453,415.21	— 1.1

(All amounts in this report are subject to revision.)

Mr. John C. Watts moved that the House do now adjourn to meet again at 9 o'clock, a. m., Wednesday, February 18, 1948.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 18, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, pastor of the Episcopal Church, of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	George I. Cline	Clyde S. Howard
Jason Alford	Robert Collins	D. W. Howard
Roy W. Arnold	Everett T. Cooper	M. G. Howard
Earl F. Ashcraft	Perry M. Cross	R. N. Hubbard
Sidney Baer	Horace T. Cull	Ira W. Hulette
Levi Baker	Owen Deering	Laban P. Jackson
Bernhardt Bauer	G. I. Drury	Kerby Jennings
C. E. Baumgardner	Kermit Dwyer	Paul S. Jonas
Fred Beshear	Henry J. Giles	J. Ernest Jones
Isaac M. Blevins	Otto W. Goff	L. H. Jones
Chas. J. Bronston	Henry C. Hale	Ercel Kozee
Mrs. Mary Burnett	James P. Hanratty	Harry K. Lowman
Chas. W. Burnley	Carson Hibbitts	W. E. McClure
A. H. Calvert	E. R. Hilton	Ed Marcum
Paul Carter	C. J. Holsclaw	F. G. Marquette
Earl W. Christian	Richard R. Houpt	C. D. Moberly

Archie R. Moore	Ottis Roberts	G. W. Steinford
Davis Moore	Lilburn S. Rogers	John M. Stumbo
Walter Moorman	Amos Runyan	Albert Thomason
E. C. Mullins	Glenn Rushing	G. C. Thornton
Stanley Murphy	Mrs. Rutherford	W. R. Tipton
T. A. Noe, Jr.	Dr. K. N. Salyer	Wilford S. Travis
Joe E. Nunn	D. B. Saylor	John C. Watts
H. C. Patterson	LeRoy Saylor	Lawrence Watts
H. M. Pewitt	Paul E. Shannon	Morris Weintraub
J. H. Polsgrove	Jesse H. Shelton	Rodney Whitlow
L. W. Preston	Harry Smith	G. F. Williamson
E. F. Prichard	Chas. L. Spillman	Charles W. Wirsch
Hobart Rayburn		

Mr. Sayler moved that the reading of the Journal of the House of the proceedings of Tuesday, Februry 17, 1848, be dispensed with, and the same be approved.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. No. 11. An Act authorizing retirement and disability plans for employes of cities, counties and their agencies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Cities of all classes and counties and the agencies of cities and counties are authorized to establish and operate plans for the payment of retirement, disability or hospitalization benefits to their employes. Such a plan may require employes to pay a per centage of their salaries into a fund from which benefits are paid, or the city, county or agency may pay out of its own funds the entire cost of the

benefits. A plan may include a combination of contributions by employes and by the city, county or agency into a fund from which benefits are paid, or it may take any form desired by the city, county or agency. Each city, county or agency may make rules and regulations and do all other things necessary in the establishment and operation of such a plan. The term agency as used herein shall include boards appointed to operate water works, electric plants, hospitals, airports, housing projects, golf courses, parks, health departments, or any other public project.

Section 2. In the event the Congress of the United States extends the Social Security Act to cover employes of cities, counties and their agencies, such cities, counties and their agencies are authorized to participate in the United States Social Security program by doing any and all things necessary to provide their employes with retirement or disability benefits or any other benefits that may be provided by that program.

Section 3. The provisions of this act shall be in addition to any other authority of cities, counties and their agencies to provide retirement and disability benefits for their employes, and shall not repeal or modify any acts except those that may be in conflict with this act.

S. B. No. 63. An Act relating to the publication ordinances in cities of the second class operating under the city manager form of government.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Ordinances adopted by the board of commissioners of any city of the second class organized and governed under the city manager form of government shall be published in full in the newspaper with the largest bona fide circulation published in the city when they relate to the raising of revenue, the expenditure of public funds, or are police measures

that impose penalties for violations, except that in the case of any ordinance adopting or enacting a standard United States Government Code or a Commonwealth of Kentucky departmental code, the ordinance as published need not set such code forth at length, but may merely identify it by a suitable reference. Other ordinances need not be published in full, but the city clerk shall, within ten days after the adoption of an ordinance, cause to be published in the newspaper with the largest bona fide circulation an abstract thereof and shall incorporate therein sufficient information to constitute a description of the subject matter to which such ordinance relates.

The provisions of subsection (6) KRS 84.100 shall not apply in cities of the second class organized and governed under the city manager form of government.

S. B. No. 27. An Act to provide for the construction and operation of turnpikes or superhighways to facilitate vehicular traffic in and through Kentucky; vesting certain powers and duties in the Department of Highways in respect thereto; providing for the financing of the construction and maintenance of such turnpikes or superhighways, including provisions for the issuance of revenue bonds and the charging of tolls; providing for the acquisition of lands, rights of way and other property or interests in property, through condemnation or otherwise; providing for the construction of overpasses and underpasses; providing for the sale or lase of concessions or other privileges along such turnpikes or superhighways; providing for the regulation of traffic thereon; and including other provisions related to the subject. This Act shall be known as the Montgomery Super Highway Act.

Said bill is as follows, viz.:

Whereas, the needs of facilities for vehicular traffic in and through Kentucky, to promote the welfare and progress of Kentucky and of the United States, are such as to require the construction and operation of highways of the superhighway type, modeled as nearly as possible after the Pennsylvania Turnpike; and

Whereas, the turnpikes or superhighways provided for by this Act will facilitate the movement of traffic northward and southward in the United States, and will form connecting links in a proposed super highway running from Chicago to Atlanta, and from Cleveland and Toledo to Atlanta, thus enabling Kentucky to participate in and receive the benefits of a national traffic improvement program; Now Therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Highways of Kentucky.

(2) "Owner" means and includes all persons having any title or interest in any property rights, easements or franchises authorized to be acquired by this Act.

(3) "Superhighways" means the highways to be constructed and operated between the points designated in Section 2 of this Act, and shall be deemed to include not only the highways and all bridges and tunnels connected therewith, but also all property rights, easements and franchises relating thereto and deemed necessary or convenient for the construction or operation thereof.

(4) "Cost of the superhighways" embraces the cost of constructing the superhighways and all connecting tunnels and bridges, and necessary overpasses or underpasses, and connecting access ways; the cost of all lands, property rights, easements and franchises acquired which are deemed necessary for such construction; the cost of machinery and equipment financing charges, interest prior to and during construction and for three years after completion of construction; cost of traffic estimates and of engineering and legal expenses; plans, specifications, surveys, estimates of cost and of revenues; administrative expenses and such other expenses as may be necessary or incident to the financing; and the cost of condemnation of property.

Sec. 2. The Department of Highways is hereby authorized and directed to provide for the construction and opera-

tion of two superhighways, one running from a point at or near Louisville in Jefferson County to a point on or near the Kentucky-Tennessee boundary line, in the direction of Chattanooga, Tennessee; and the other running from a point at or near Covington in Kenton Couty to a point in Metcalf County where it shall intersect the other superhighway. Such superhighways shall be known and designated as the "Kentucky Turnpike," the western branch thereof, north of the point of intersection, being known as "Kentucky Turnpike West," and the eastern branch thereof north of the point of intersection, being known as "Kentucky Turnpike East." The superhighways shall be constructed, paid for, financed and operated in accordance with the provisions of this Act. In performing its duties under this Act the Department, in addition to the powers conferred upon it by this Act, shall have all other powers vested in it by law. In performing its duties under this Act the department shall have power to acquire, own, use, hire, lease, operate and dispose of property, and to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers and to employ engineering, traffic, architectural and construction experts and inspectors and attorneys, and such other employes as may be necessary in its judgment; the cost of which shall be deemed to be part of the cost of the superhighways and payable from the proceeds of the bonds hereinafter provided for.

Sec. 3. The Department of Highways is authorized to acquire by purchase such lands, property rights, easements, rights of way, franchises, and other interests in property as it deems necessary for the construction and operation of the superhighways, and to take title thereto in the name of the Commonwealth, and in so doing shall have full discretion as to the width of the right of ways to be acquired. In the event the same cannot be purchased at a price deemed reasonable by the department, or for any reason the department cannot acquire the same by purchase, the department may condemn the same in the manner provided in KRS 416.010 to 416.080, or in the manner provided in KRS 416.120. If, in the condemnation proceedings, it is established to the satisfaction of

the court that the department has sufficient funds at its disposal, available for the purpose, to pay to the owner the amount of damages that eventually may be awarded to the owner in such proceedings, or if the department shall file with the court a bond conditioned upon the payment of such amount, the department shall be entitled to immediate possession of the property sought to be condemned, without awaiting the ultimate determination of the condemnation proceedings.

Sec. 4. The Department of Highways, through its authorized agents and employes, may enter upon any lands, waters or premises in the state for the purpose of making surveys, soundings, drillings and examinations, as it may deem necessary or convenient for the purposes of this Act, and such entry shall not be deemed a trespass.

Sec. 5. The Department of Highways, in constructing the superhighways, may use any part or all of the right of way of any existing state highway or county road, but shall be required to construct a suitable substitute highway or road in any case where such use of the right of way of the original highway or road will impair the access of owners of property abutting thereon to convenient and suitable routes of travel to town or market. The cost of constructing such substitute highway or road, including the cost of acquiring right of ways for the same, shall be deemed to be a part of the cost of the superhighways.

Sec. 6. No owner or occupant of land abutting upon a superhighway shall have any right of access from such land to the superhighway or to the right of way for the same.

Sec. 7. In constructing the superhighways the Department of Highways shall have authority to cooperate with, and enter into agreements with, the Federal Government or any appropriate federal agency or state agency of any other state.

Sec. 8. In order to provide access to the superhighways at points convenient to the larger population centers in Kentucky along the route of the superhighways, the Department of Highways shall have authority to construct local service

roads or streets, or to designate for that purpose any existing public roads or streets. Any expense in connection therewith shall be deemed to be a part of the cost of the superhighways.

Sec. 9. The cost of the superhighways shall be paid solely out of the proceeds of revenue bonds, which the Department of Highways is hereby authorized to issue and sell in such amount as is necessary to defray the cost of the superhighways, it being contemplated by the General Assembly that the cost will approximate $150,000 per mile. Such bonds shall be issued in accordance with, and shall be subject to the provisions of, Chapter 58 of the Kentucky Revised Statutes, except that the interest rate on such bonds shall not exceed 2½% per annum. Such bonds shall be payable solely from the revenues received from tolls charged for the use of the superhighways, and from the revenue received from the sale or lease of concessions or privileges as provided in Section 13 of this Act. All of the provisions of Chapter 58 of the Kentucky Revised Statutes shall be applicable for the purposes of this Act, except where this Act is inconsistent therewith.

Sec. 10. The superhighways, when completed and opened to traffic, shall be maintained, operated and repaired by the Department of Highways, and all charges and costs in connection therewith shall be paid out of the maintenance and operating funds set up in accordance with the provisions of KRS 58.070. The salaries of toll-takers and other operating employes, and the expense of policing, shall likewise be paid out of such funds.

Sec. 11. The department of Highways shall fix and revise from time to time, tolls for the use of the superhighways and the different parts or sections thereof, and shall charge and collect the same. Subject to the limits hereinafter prescribed, the tolls shall be so fixed and revised as to be sufficient to provide for payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due, and to provide for the operation and maintenance of the superhighways and an adequate depreciation account, in accordance with the principles set forth in KRS 58.070. The tolls shall

not exceed one cent per mile for private passenger automobiles, nor five cents per mile for busses, trucks, or other commercial vehicles, except that if the General Assembly shall authorize the increase of the gross weight limit for motor vehicles above the present maximum of 42,000 pounds, the maximum rate for trucks or busses, or other commercial vehicles, may be increased by one-quarter cent per mile for each 5,000 pounds of gross weight in excess of 42,000 pounds.

Sec. 12. The Department of Highways may sell or lease, to the highest and best bidder after due advertisement for bids, concessions, easements or privileges, for a period not longer than twenty years at a time, for the placing and operation upon the right of way of the superhighways, adjoining the paved portion, of telephone, telegraph, electric light or power lines, stores, hotels, restaurants, and advertising signs, or for any other purpose, except for tracks for railroad or railway use, and may fix the terms, conditions, rents or rates of charges for such concessions, easements or privileges provided that the Department of Highways may lease, for a period not longer than 20 years at a time, sites on any part of the superhighways to any person, partnership, association, or corporation which desires to use the same for gas stations and garages, subject to the following provisions of this section. No exclusive concession or exclusive license or lease agreement shall be made relating to the business of servicing, repairing, or furnishing of supplies for motor vehicles nor shall any government owned or operated enterprise or activity involving or relating to said business purposes be conducted on or in connection with such superhighways. The superhighways shall be accessible without charge or concessionaires, licensees, and lessees and to their employees, agents and suppliers, and the total consideration payable under any concession or agreement, involving or relating to the business of servicing, repairing, or furnishing of supplies for motor vehicles, shall be computed on the sole basis of a flat rental for space so occupied or leased. The revenues received therefrom shall be handled and disposed of in the same manner as the revenues from tolls.

Sec. 13. All of the provisions of the highway traffic laws shall be applicable on the superhighways, except that the Department of Highways may, by regulation, increase the maximum speed limits to not more than seventy miles per hour. The department shall have authority to promulgate special traffic rules and regulations for operation upon the superhighways, supplementing the statutes, and such regulations shall have the force and effect of law. A copy of such regulations shall be furnished to each person as he enters upon the superhighway, and any person who violates such regulations shall be fined not less than twenty dollars nor more than one hundred dollars, or imprisoned in the county jail for not more than ten days, or both.

Sec. 14. In constructing the superhighways, the Department of Highways shall provide suitable overpasses or underpasses at each point where the superhighway crosses another highway, road, bridge, or railroad track. The Department shall also provide suitable overpasses or underpasses, where the superhighway bisects land that is under cultivation or in agricultural use as one parcel, so as to provide access to the portion of such parcel so separated, except in cases where the damages resulting from such separation were expressly compensated for in acquiring the right of way.

Sec. 15. When all bonds and the interest thereon have been paid, or a sufficient amount for the payment thereof has been set aside in trust for that purpose, any excess sums remaining on hand, after retirement of the bonds, and all revenues thereafter received under this Act, shall be credited to the State Road Fund.

S. B. No. 65. An Act relating to the registration of voters, amending Sub-section (1) of Section 117.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sub-section (1) of Section 117.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person possessing the qualifications for registration as a legal voter may appear before the county clerk of the county of his residence, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, or change his party affiliation, at any hour of any day that the office of the county clerk or the board of registration commissioners is open for business. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause all registration books or lists to be closed thirty days prior to the August primary election and thirty days prior to the November general election, and no voter shall be registered for that election or be permitted to change his registration for that election during the period that the books are closed. Registration cards of persons who register or change registration during such periods shall be kept in a separate file until ten days after the close of that period, when they shall be placed in the regular registration books or lists.

S. B. No. 78. An Act relating to Banks and Trust Companies and Combined Banks and Trust Companies, providing for Permissive Holidays, amending KRS Section 356.085 and 356.193 to conform thereto and repealing all laws in conflict therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a new section of the Kentucky Revised Statutes is hereby created providing for permissive holidays for banks and trust companies and combined banks and trust companies, said section to be numbered Section 287.195 and to read as follows:

"287.195. *Permissive Holidays.* Any bank or trust company or combined bank and trust company may apply to the Commissioner of Banking for permission to remain closed on any day of the week fixed by the adoption of a resolution of the Board of Directors of such institution.

If the Commissioner of Banking deems that the public interest will be adequately served thereby, he shall grant to such applying institution permission to remain closed on such fixed day provided fifteen (15) days notice of such closing be given the public by posting a statement to such effect in some conspicuous place in said institution. Any day upon which such bank or trust company or combined bank and trust company shall, pursuant to such permission and notice, remain closed, shall in respect of such institution be deemed a holiday for all purposes, and no bank or trust company or combined bank and trust company shall be required to permit access to its safe deposit vaults on such day. When a contract by its terms requires the payment of money or the performance of a condition on any such day by or at such institution, such payment may be made or condition performed on the next business day succeeding such day when such institution shall so remain closed, with the same force and effect as if made in accordance with the terms of the contract, and no liability or loss of rights shall result from such delay.

Provided, however, that no such bank or trust company nor combined bank and trust company shall close on any such day during any week in which there occurs any one of the public and legal holidays enumerated in Kentucky Statutes, Section 2.110.

Section 2. Sections 356.085 and Section 356.193 of the Kentucky Revised Statutes, being a part of the Negotiable Instrument Law, are hereby amended and reenacted to conform with Section 1 so that as amended and reenacted they shall read as follows:

"356.085. *When Instrument Payable.* Every negotiable instrument is payable at the time fixed therein, without grace. When the day of maturity falls upon Sunday or a holiday, including such holidays as are provided for in Section 287.195, the instrument is payable on the next succeeding business day."

"356.193. *Computation of Time when Day for Doing Act is Sunday or Holiday.* Where the day or last day for doing any act herein required or permitted to be done falls

on Sunday or a holiday, including such holidays as are provided for in Section 287.195, the act may be done on the next succeeding secular or business day.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

S. B. No. 91. An Act relating to the compensation of stenographers of county judges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That KRS 25.310 is hereby repealed, amended and re-enacted so that as thus amended and re-enacted it shall read as follows:

The stenographer shall continue to receive the salary now fixed by law and paid out of the county levy; provided, however, that such salary may be increased or decreased to the amount fixed by the county judge by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court. In counties other than those containing a city of the first class the salary shall not exceed $1,800 per annum, except that in counties containing cities of the second class the salary paid to the stenographer to the county judge shall not exceed the sum of $3,000 per annum.

S. B. No. 93. An Act repealing KRS 437.060, relating to the handling of snakes in religious services or gatherings.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 437.060 of the Kentucky Revised Statutes is repealed.

Ordered that said bills be printed and referred.

The message which was received from the Senate also announced that they had passed a bill which originated in the House of the following title, viz.:

H. B. No. 81. An Act relating to payment of tuition and fees for attendance of certain students at educational institutions outside of Kentucky; amending KRS 166.170.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had concurred in a resolution which originated in the House as follows, viz.:

H. Res. No. 31. Resolution upon the proposed elimination of the Veterans' flight training program.

Whereas, this General Assembly is charged with the duty of fostering and regulating those undertakings considered by it to be progressive and advantageous to the people, welfare and prosperity of the Commonwealth of Kentucky and to the people and welfare of the whole of the United States, and

Whereas, the Veterans' Flight Training Program carried out by the United States Government by authority of Public Law No. 346 is considered by this General Assembly as a program that is advantageous to the people of this Commonwealth, to their prosperity and to their general welfare, and

Whereas, there is an effort being made by a member of the United States Congress and members of the United States Veterans' Administration to have enacted by the United States Congress, legislation designed to eliminate the Veterans' Flight Training Program, and

Whereas, this General Assembly is convinced that the veterans participating and receiving instruction in the said Flight Training Program are greatly benefited in their general education thereby and will be and are a back-log of trained pilots ready for immediate call to duty as pilots in the United States Air Corps in case of National Emergency, and

Whereas, it is believed by this General Assembly that the elimination of said program will seriously effect the

prosperity, security and welfare of the people of this Commonwealth and of the country as a whole, and

Whereas, the enactment of such legislation will cause over fifty (50%) per cent of the fixed based operators in Kentucky to cease operations thereby eliminating a public utility provided to many of their communities,

Therefore, *be it resolved by the Senate and House of Representatives of the Commonwealth of Kentucky* that they voice their approval of the Veterans' Flight Training Program carried out by the United States Veterans' Administration under the provisions of Public Law No. 346 as being a vital aid in the progress and advancement of aviation, an educational program contributing to the welfare and prosperity of our people and a system whereby the United States has in store a well trained group of pilots ready and able to man the air forces of our country in case of National Emergency, and

Be it further resolved by the Senate and House of Representatives of the Commonwealth of Kentucky that they voice their disapproval of any and all efforts of any and all persons to eliminate the Veterans' Flight Training program, and

Be it further resolved by the said Senate and House of Representatives: that the United States Senators and Representatives from Kenucky be requested to exert all efforts and influences that they and each of them may have, in a concerted effort to defeat any and all attempts that are made to have the United States Congress enact legislation designed to eliminate the Veterans' Flight Training Program, and

Be it further resolved that this resolution be spread at large on the Journals of both the Senate and House of Representatives and that copies thereof be sent to the President of these United States of America and to the United States Senators and Representatives from this Commonwealth.

The message which was received from the Senate also announced that they had adopted a resolution which originated in that body of the following title, viz.:

S. Res. No. 42. A Concurrent Resolution in reverence of the late John M. Robsion.

Said resolution is as follows, viz.:

Whereas, God in His infinite wisdom, has seen fit to call from earthly labors a great servant of Kentucky and of our Nation, John M. Robsion; and

Whereas, his passing is a source of the deepest sorrow for the members of this body; and

Whereas, it is just and fitting that this body properly express reverence to this true statesman,

Now, therefore, be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That the members of this body do express to the family of John M. Robsion their deepest sympathy, and their regret that he should have been taken at a time when he was of such great usefulness to the people of Kentucky, and their gratitude for the services he rendered to the people of Kentucky in his capacity as a faithful public representative and servant.

That the members of this body do convey to the Kentucky delegation in Congress of the United States condolence in the loss of their worthy fellow-member.

That the members of this body do make known to the Congress of the United States their pride in the representation that the people of Kentucky received through the untiring efforts of John M. Robsion.

That it is the sincere feeling of the members of this body that all honor is due to the memory of this man who was an example of rugged honesty, standing in fear of no person or organization in denouncing corruption wherever he found it, and faithful and untiring in his efforts to serve the people of Kentucky.

That a copy of this resolution be transmitted by the Clerk of the Senate to the family of the late John M. Robsion

and to each member of the Kentucky delegation in Congress, and to the Clerk of the House of Representatives of the Congress.

Mr. Alford moved that the house do now concur in said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

Mr. Carter moved that when the House adjourn today it adjourn out of respect to the memory of the late Honorable John M. Robsion, United States Congressman from the Ninth District, and the late Honorable E. Leland Taylor, Mayor of the City of Louisville.

Said motion was agreed to.

Mr. Drury moved that the privilege of the floor be extended to Mr. Beckham Robertson.

Said motion was agreed to.

Mr. Weintraub moved that a poem by the Honorable E. C. Mullins be spread at length upon the Journal.

Said motion was agreed to.

Said poem is as follows, viz.:

THE MAYOR IS DEAD

(A Tribute to the late E. Leland Taylor, Mayor of Louisville)
(By E. C. Mullins)

The Mayor is dead—The great leader of a great city in a great state is gone. Here was no reed shaken by the wind, but a tall man, sun-crowned, head above the clouds, feet upon the ground. A man to whom public office was a public trust; who put public service above private gain. One whom the spoils of office could not buy—Needing not the emoluments nor

the prestige of official position; Not for profit nor the satisfaction of personal ambition, but from an innate desire to render public service, he sought civic and political leadership—A most non-political politician.

More willing to accept the grave responsibilities and perform the arduous duties of public office, than eager to wield the power, attain the prerogatives, or pre-empt the privileges of political preferment.

Peer of the most successful in business enterprise, yet a courageous champion of the lowly and unfortunate.

Faithful friend, fearless foe, defender of right, through weal or woe.

The Mayor is dead, but his Spirit lives on, inspiring others to take up the fallen standard, lift it high, and carry it on, as he would have done were he not gone.

Onward toward the goal, which reached, for all his earnest endeavors would compensate—

A greater and better city in a greater and better state.

A sturdy oak so straight and tall
A pillar of strength is gone—
From the broken column comes a clarion call,
"On! Carry On!"

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz.:

By Mr. Calvert.

H. B. No. 325. An Act relating to school districts, with particular reference to the transfer of territory within a city of any class or territory which may become incorporated in such a city, to a district, embracing a greater part of the city.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of Section 160.045 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever any territory in any municipality or any territory which may become incorporated in any municipality, is located in a county school district, the owners of real property in such territory are given the right to demand of the board of education of the county school district in which their property is located that said property should be placed in and become a part of the school district in which the greater part of said municipality is located and embraced; whether said school district be a county or independent school district.

By Mr. Cooper.

H. B. No. 326. An Act relating to the Teachers' Retirement System.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who has completed twenty years of service as a teacher in Kentucky, and has been a member of the Teachers' Retirement System for ten years or more, may be absent from active service as a teacher for any period of years thereafter until he reaches the age of sixty, without loss of his status as a member of the system, and neither the limit on periods of absence prescribed in paragraph (e) of subsection (1) of KRS 161.520, nor the requirement of five years of service immediately preceding retirement prescribed in KRS 161.600 shall apply. However, such years of absence from service shall not be counted as years of subsequent service in computing the retirement allowance. A member so retiring from active service shall be automatically retired upon reaching the age of sixty years, unless he has re-entered service as herein provided. Any such teacher so absenting himself from service may re-enter active service as a teacher at

any time before reaching the age of sixty, without being required to make contributions for the years during which he was absent from service, and thereupon he shall occupy the same status as teachers who have remained in active service, except that in computing the retirement allowance the years of absence from active service shall not be counted.

By Messrs. Jennings, Runyan, and Cooper.

H. B. No. 327. An Act relating to excise taxes, providing for a tax on the sale of cigarettes, and appropriating a portion of the tax to the Common School Fund and to the Department of Welfare.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (1) of KRS 138.140 is hereby amended to read as follows:

(1) A tax shall be paid on the sale of cigarettes made of tobacco, or any substitute for tobacco, of one and one-half cents on each ten cents or fractional part thereof of the retail selling price. This tax shall be paid only once, regardless of the number of times the cigarettes may be sold in this state.

Sec. 2. One-third of the tax collected on the sale of cigarettes provided in KRS 138.140 is hereby appropriated for the fiscal years 1948-1949 and 1949-1950 for the following purposes:

(a) Seventy percent to the Common School Per Capita Fund to be used for the payment and increase of the monthly salaries of teachers and for no other purpose.

(b) Thirty percent to the Department of Welfare for ordinary recurring expenses of operation in the administration of the department.

By Mr. Jennings.

H. B. No. 328. An Act relating to free textbooks, including provision for furnishing free textbooks to children

attending teacher training schools of the State Teachers Colleges and the University of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. KRS 157.100 is hereby amended to read as follows:

The Superintendent of Public Instruction, subject to the approval of the State Board of Education, shall purchase textbooks from the publishers whose books have been adopted by the State Textbook Commission and distribute them without cost to pupils attending grades one to eight, of the free public schools of the state, and the teacher training schools of the State Teachers' Colleges and the University of Kentucky, in the manner and upon the conditions set out in KRS 157.110 to 157.180.

§ 2. The State Teachers' Colleges and the University of Kentucky shall select books for use in the training school from the lists adopted by the State Textbook Commission in the same manner as independent school districts embracing cities of the first four classes and as provided in KRS 156.310.

Ordered that said bills be printed and referred.

Resolutions of the following titles were introduced, viz.:

By Mr. Hulette.

H. Res. No. 35. A Joint Resolution providing for the designation, as "The United Spanish War Veterans' Memorial Highway", of that portion of U. S. Highway No. 23 that passes through Kentucky, and for the suitable marking of the same.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Kentucky portion of U. S. Highway No. 23, which enters Kentucky at South Portsmouth, and passes

through Greenup, Russell, Ashland, Catlettsburg, Louisa, Paintsville, and Pikeville to Jenkins, Kentucky, be and it hereby is designated as "The United Spanish War Veterans' Memorial Highway."

That the Department of Highways of Kentucky be and it hereby is instructed to erect and maintain such markers as may be necessary to properly mark and identify such highway as "The United Spanish War Veterans' Memorial Highway."

By Mr. Cross.

H. Res. No. 36. A Joint Resolution providing for the payment to the Bank of Cumberland of certain witness claims allowed by the Cumberland Circuit Court.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Bank of Cumberland, located at Burkesville, Kentucky is now the owner of certain witness claims allowed in the Cumberland Circuit Court at the terms in March, August and November, 1945, in the amount of ten dollars, and at the terms in March and November, 1946, in the amount of eighteen dollars, making a total of twenty-eight dollars.

It appearing that said claims were not presented for payment by the Commonwealth within the time provided by statute, and it further appearing that said claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by the Bank of Cumberland, and the statute of limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay the same, being twenty-eight dollars, is hereby appropriated out of the General Expenditure Fund in the State Treasury.

Ordered that said resolutions be printed and referred.

REPORT OF COMMITTEES

Mr. Christian of the Committee on Insurance, Life and Casualty, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 253. An Act relating to the tax on premiums received by Insurance Carriers for Workmen's Compensation Insurance; amending KRS 342.445 and 342.450.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. John C. Watts of the Committee on Kentucky Statutes No. 1, to which the same had been previously referred, reported bills of the following titles, viz:

H. B. No. 291. An Act to provide for the public safety, by creating a Department of Kentucky State Police; providing for the personnel thereof, including a Commissioner, officers and employees; providing for the powers, duties, immunities, compensation, appointment, discipline and removal of the personnel; transferring to the Department of Kentucky, State Police the offices, facilities, equipment duties, powers and funds of the State Highway Patrol; making an appropriation; and repealing laws in conflict.

S. B. No. 92. An Act relating to bonds given in proceedings under Section 489 of the Civil Code of Practice.

H. B. No. 312. An Act relating to the State Textbook Commission, its organization and duties.

H. B. No. 308. An Act relating to expense of operating motor vehicles used by State oficers, employee or agent.

S. B. No. 125. An Act transferring balances of funds of toll free bridges to Sinking Fund of the Rockport Toll Bridge.

H. B. No. 254. An Act making provision for the payment, out of the State Treasury, of the actual and necessary expenses incurred by judges of the circuit courts and judges and commissioners of the Court of Appeals in the performance of their official duties, or in certain instances, for the payment of a sum deemed to be the equivalent of such expenses, and imposing a tax on civil suits to further the purposes of the Act.

With Committee amendment thereto by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act providing for the payment of certain expenses to the Judges and Commissioners of the Court of Appeals and the Circuit Judges of the Commonwealth, and imposing a tax on civil suits to further the purposes of the Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each Circuit Court Judge of the State shall be paid out of the State Treasury, each month, the sum of $100.00, which sum is hereby declared to be the equivalent of the minimum sum that each Judge will expend each month, in the performance of his official duties, for postage, telephone service, supplies, stationery, stenographic assistance, law clerk hire, and books and periodicals. The Commissioner of Finance shall, on the first of each month, draw his warrant on the Treasurer in favor of each Circuit Court Judge, for the sum above stated, and the same shall be paid out of the General Fund. The sums so received shall be expended by each Circuit Court Judge in his discretion, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by the Judge.

Section 2. Each Judge and Commissioner of the Court of Appeals who continues, during his term of office, to actually reside at his place of legal residence in the district from which he was elected or appointed, shall be paid, out of

the State Treasury, his actual and necessary traveling expenses in going to and returning from the State Capital, and his actual and necessary food and lodging expenses for each day that he remains at the State Capital in the performance of his official duties. Payment shall be made upon the submission of expense statements under oath of the Judge or Commissioner submitting same. Said payment shall be made out of the General Fund.

Section 3. In the event any Judge or Commissioner of the Court of Appeals, in order to facilitate the work of the Court, and to avoid the expense, delay and inconvenience of frequent travel to and from the place of his legal residence to the State Capital, shall establish a temporary place of abode in the State Capital, or in a place convenient thereto, he shall be paid out of the State Treasury, each month, the sum of $150.00, which is hereby declared to be the reasonable equivalent of the travel, food and lodging expenses which such Judge would incur, in the performance of his official duties, if compelled to travel to and from his legal residence. When a Judge or Commissioner has established a temporary place of abode at the State Capital, or a place convenient thereto, he shall certify that fact to the Commissioner of Finance, and payment of the monthly allowance shall then commence and shall thereafter continue so long as the Judge or Commissioner remains in office and continues to maintain an actual place of abode in the State Capital or a place convenient thereto. Said payment shall be made out of the General Fund.

Section 4. To provide the revenue necessary to carry out the provisions of this Act, a tax of Three Dollars ($3.00) hereby is levied on each original action in the Circuit Court, commencing with or without original process; on each original action in other courts when the amount in controversy, exclusive of interest and costs, exceeds Fifty Dollars ($50.00); on each appeal to the Circuit or Quarterly Court; on each traverse or forcible entry or detainer; and on each proceeding in a court other than the Court of Appeals to reverse a judgment. A tax of Five Dollars ($5.00) hereby is levied on each appeal to the Court of Appeals. The Funds raised by the aforesaid taxes shall be paid into the Department of the Treas-

ury, and shall be covered into a revolving fund which shall be disbursed for no purpose other than those provided in this Act. Any sum unexpended from said fund in any year shall remain in said fund, and may be expended under the provisions of this Act in any succeeding year.

Section 6. Whereas, present economic conditions are hereby expressly are repealed.

Section 6. Whereas, present economic conditions are such as to impose an unconscionable burden upon the Judiciary of the Commonwealth, and to create a threat to the expeditious and impartial administration of justice, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mrs. Burnett of the Committee on Education No. 1, to which the same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 227. An Act relating to instruction in cooperative marketing and consumers' cooperatives.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. No. 227, on page 1, section 2, line 2, by striking out the words "and county normal schools".

With the expression of opinion that said bill should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Polsgrove of the Committee on Courts, to which the same had been previously referred, reported bills of the following titles, viz.:

H. B. No. 50. An Act relating to jurors, including provisions for compensation, board and lodging and travel allowances.

H. B. No. 209. An Act relating to the compensation of jurors.

With the expression of opinion that same should not pass.

No motion having been made to advance said bills to a first reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length for the frst time and so said bills were rejected.

Mr. Morgan of the Committee on Cities of the Second Class, to which the same had been previously referred, reported bills of the following titles, viz.:

S. B. No. 64. An Act providing for the appointment of an Acting City Manager in cities of the second class organized under the city manager form of government.

H. B. No. 244. An Act to amend Section 69.105 of Kentucky Revised Statutes pertaining to stenographer to Commonwealth's attorneys in counties containing cities of the second class.

H. B. No. 127. An Act relating to tuition charge for junior colleges in cities of the second class.

H. B. No. 292. An Act relating to elections, with particular relation to elections, both regular and primary, in cities under the commission form of government.

H. B. No. 276. An Act to repeal, amend and re-enact Section 95.580, Kentucky Revised Statutes, relating to the policemen's and firemen's pension funds in cities of the second and third classes and fixing rate of tax and assessment and designating the source of said fund.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz.:

H. B. No. 96. An Act relating to motor carriers, as defined in KRS, Chapter 281; with particular relation to reciprocity agreements with other states and the District of Columbia concerning taxes upon vehicles operated in interstate commerce.

With Committee amendment thereto.

H. B. No. 233. An Act pertaining to motor vehicles, including motor carriers.

H. B. No. 260. An Act to appeal, amend and re-enact Sections 342.005, 342.020, 342.025, 342.040, 342.055, 342.070, 342.080, 342.095, 342.100, 342.105, 342.110, 342.120, 342.230, 342.270 and 342.395, Kentucky Revised Statutes, relating to Workmen's Compensation.

With Committee amendment thereto.

S. B. No. 69. An Act amending and re-enacting Section 381.580 of KRS relating to condemnation of private passways.

H. B. No. 237. An Act to amend Section 21, Civil Code of Practice, and extending the benefits thereof and adding a new section thereto.

H. B. No. 215. An Act providing for payments from the proceeds of the sale of electrical energy, of water and of gas service by publicly owned light, water or gas plants to the boards of education of public school districts in which the property or properties of such publicly owned light, or water or gas plants may be located, and providing a method of determining the amount thereof.

H. B. No. 214. An Act amending KRS, Section 23.150 relating to practice in circuit courts other than those of continuous session.

H. B. No. 262. An Act to amend sub-section 32 of Section 23.050 of KRS pertaining to terms of court in the 33rd Judicial District.

H. B. No. 151. An Act relating to Master Commissioners of Circuit Courts, and providing a salary therefor in certain Circuit Courts having continuous sessions.

H. B. No. 200. An Act relating to juries.

S. Res. No. 22. A Joint Resolution authorizing and directing the State Fair Board to pay, to C. W. Taylor, compensation for his services as de facto manager of the Kentucky State Fair during the period from January 1, 1947, to June 1, 1947.

S. Res. No. 7. Joint Resolution providing for the purchase of five hundred and fifty copies of the Kentucky Directory, and the distribution thereof, and appropriating $1,000.00 to purchase same.

H. B. No. 49. An Act proposing an amendment to Section 256 of the Constitution of this Commonwealth, relating to the amendment of the Constitution.

H. B. No. 6. An Act to amend the Constitution of the Commonwealth of Kentucky to change the times for the election of public officers so as to reduce the number of elections to be held in the Commonwealth of Kentucky, and to fix the times for the meetings of the General Assembly made necessary by the change in the times of the election of the members thereof.

H. B. No. 78. An Act relating to the appointment, duties and compensation of stenographic reporters for the circuit courts.

With Committee amendment thereto by way of substitute therefor.

H. B. No. 268. An Act concerning accounts and records kept by the director of finance; duties as to claims against city; countersigning checks in cities of the first class.

H. B. No. 265. An Act concerning the annual levy of taxes by cities of the first class, the disposition of revenues, and the effect of the failure to make such levy.

H. B. No. 270. An Act concerning the accountant in cities of the first class.

H. B. No. 266. An Act relating to assessment returns in cities of the first class.

H. B. No. 267. An Act concerning the Tax Receiver in cities of the first class.

H. B. No. 269. An Act concerning the receipt, custody and disbursement of city funds; receipts; in cities of the first class.

H. B. No. 264. An Act concerning tax bills, how made out and listed for collection; evidence of validity of tax in cities of the first class.

S. B. No. 82. An Act concerning the purgation for regular election in cities of the first class by house to house canvas.

With Committee amendment thereto.

Ordered that said bills and said resolutions be read at length the second time.

Mr. John C. Watts moved that the Constitutional provision as to the second reading at length of said bills and said resolutions be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and said resolutions having been dispensed with, said bills and said resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled a bill of the following title, viz.:

H. B. No. 81. An Act relating to payment of tuition and fees for attendance of certain students at educational institutions outside of Kentucky; amending KRS 166.170.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The Chief Clerk produced and read a report from the Division of Food, Drugs and Hotels of the State Department of Health.

Dr. Salyer moved that said report be spread at length upon the Journal.

Said motion was agreed to.

Said report is as follows, viz:

Biennial report to the Governor and General Assembly of the state of Kentucky for the years 1945-1946.

From: The State Department of Health of Kentucky under section 217.100 of the Kentucky Statutes (revised).

BIENNIAL REPORT 1945-1946
STATE DEPARTMENT OF HEALTH

Division of Foods Drugs, and Hotels

This report covers a record of all samples of foods, drugs, cosmetics, and other materials, official and investigational, collected and examined by inspectors of this Division, or submitted for analysis to the Public Service Laboratories.

This record includes the name of the sample, the dealer, the manufacturer, and the decision after examination.

Respectfully submitted:

Sarah V. Dugan

Director, Division of Foods, Drugs and Hotels

Collection of samples under the foods, drugs and poison Act 1945

Samples submitted in food poisoning and suspected food poisoning cases

A-5918 A-7992 A-7993 A-7994 A-7995	3-27-45	Cheese, (Colby Longhorn Type). Submitted by Fulton County Health Officer. 34 people ill after eating. Mfr: Tampico Creamery Co., Tampico, Ill. Distributed in 3 states by Armour Creameries of Chicago, Illinois. Dlr: Kroger Store and U-Tote-Em Grocery, Fulton, Ky. Epidemiological investigation made of this food poisoning epidemic. Milk used in manufacture of cheese was under-pasteurized. Analysis indicated Salmonella typhi-murium.
	5-16-45	Candy. Submitted by McCracken County Health Department for suspected food poisoning or chemical poisoning. Mfr. and Dlr.—Unknown. Examination failed to show food or chemical poisoning.
A-13932	9-10-45	Cheese. (Asiago Type). Submitted by Mr. Ball, Campbellsburg, Kentucky, after 5 persons were made ill after eating cheese. Mfr: Kraft Cheese Co., Louisville. Dlr: Mattick's Store, Campbellsburg. Examination indicated presence of hemolytic staphylococci.

A-13934 9-26-45 Pie. (Sample each of butterscotch and
A-13938 coconut cream). Submitted by Harlan County Health Officer. 49 cases of illness in this epidemic. Mfr: Honey Krust Bakery, Johnson City, Tennessee. Dlr: Benham Commissary, Benham. Examination indicated hemolytic staphylococci.

Lab. Nos. 10-18-45 Samples of food collected from a dinner
58493-495 inc. party given at a hotel coffee shop in Liberty, consisting of buttermilk, corn meal used in making cornbread, canned pork and beans, sliced canned peaches, sliced tomatoes, cookies and oleomargarine. Submitted by Casey County Health Department for food and chemical poisoning after 23 persons became ill. Examination indicated that no food poisoning or chemical poisoning organism was found but that the food was heavily contaminated with fecal type organisms.

A-13940 11-16-45 Dressing, baked chicken and baked tur-
A-13941 key. Samples collected by State Depart-
A-13942 ment of Health inspector after receiving report that 18 out of 20 persons became ill after eating dinner at a restaurant in Louisville. Conclusion reached that it was a Salmonella food poisoning but the culture from the baked chicken belong to the Proteus group.

A-18901 11-23-45 Baked turkey. Dlr: Petty's Poultry House, Louisville. 88 children and 3 staff members at a hospital in Louisville became ill after eating Thanksgiving dinner. Samples of various items of food on the menu were collected and analyzed. Epidemiological evidence pointed to a Salmonella infection, caused by same knife be-

ing used to trim uncooked fowl and cooked fowl by the same person.

BEVERAGES (Alcoholic)

A-18777 1-25-46 Whiskey. J. J. Clark Company, Jersey City, N. J. Examined for presence of denaturants. None found.

BEVERAGES (Carbonated)

A-17768 9-12-45 Orange Drink. Mfr: Harrison Orange Products Co., Chicago, Ill. Whlsr: Bloemer Foods, Louisville. Dlr: A.&P. Grocery, St. Matthews. Contained saccharin.

A-17774 9-26-45 Orange Soda. Mfr: and Dlr: Dr. Pepper Bottling Company, Danville. Contained saccharin and monochloroacetic acid.

A-17775 9-26-45 Orange Concentrate. Mfr. and Whlsr: Harrison Orange Products Company, Chicago, Ill. Dlr: Same as above. Contained saccarin and monochloroacetic acid.

A-18428 9-26-45 Concord Grape Drink (Imitation). Mfr. Same as above. Whsr: G & G Distributors, Salem, Illinois, Dlr: Blemer Foods, Louisville, Contained monochloroacetic acid and saccharin.

A-18429 9-26-45 Pineapple Orange Drink. Mfr., Whlsr., and Dlr: Same as above. Contained saccharin and monochloroacetic acid.

A-18430 9-26-45 Enriched Orange Syrup. Mfr., Whlsr., and Dlr: Same as above. Contained saccharin and monochloroacetic acid.

A-18432 10-16-45 Orange Drink. Mfr., Whsr., and Dlr: Same as above. Saccharin present.

The above samples were collected to determine whether the manufacturer was using monochloroacetic acid as a preservative in beverages and concentrates; also, to determine

whether or not the manufacturer or bottler was using saccharin as a sweetening agent. These were all interstate shipments and the findings were turned over to the Food and Drug Administration as a basis for seizure proceedings.

The samples listed below were collected in a survey made throughout the State to determine whether saccharin was being used at the bottling plant or whether it was in the concentrate shipped by various manufacturers.

A-18634	8-17-45	Orange Drink. Mfr.: Harrison Orange Products Company, Chicago, Ill. Dlr: Pepsi-Cola Bottling Company, Owensboro. Submitted by Daviess County Health Department. Saccharin present.
A-18156	8-14-45	"Heart of Orange Beverage. Mfr: Same as above. Dlr: Pepsi-Cola Bottling Company, Bowling Green. Submitted by Warren County Health Department. Saccharin present.
A-18631	8-15-45	Orange Drink. Mfr: Same as above. Dlr: Dr. Pepper Bottling Company, Owensboro, Submitted by Daviess County Health Department. Saccharin present.
A-7027	8-13-45	NuGrape Soda. Dlr: Dr. Pepper Bottling Co., Mayfield. Mfr: Nat'l. NuGrape Co., Atlanta, Ga. None found.
A-7028	8-13-45	Strawberry Soda. Dlr. and Mfr: Double Cola Company, Mayfield; Concentrate Mfr Lozier Mt. Co., St. Louis, Mo. None found.
A-7029	8-13-45	Double Dry Beverage Mixer. Dlr; and Mfr: Same as above. Concentrate Mfr: Double Cola Co., Chattanooga, Tennessee. None found.
A-18632	8-17-45	Strawberry Coda. Dlr: Squirt Bottling Company., Owensboro. Mfr: Derr & Pilkington, Booneville, Ind. None found.

A-18633	8-17-45	Grape Soda. Dlr. and Mfr: Same as above. None found.
A-18635	8-17-45	Chocolate Drink. Dlr: Owensboro Cream Company, Owensboro. Mfr: Bowey's, Chicago, Illinois. None found.
A-18637	8-17-45	Squirt. Dlr: Squirt Bottlingg Co., Owensboro. Mfr. Squirt Company, Beverly Hills, Calif. None found.
A-18638	8-18-45	Krim Ko Chocolate Flavored Milk Drink. Dlr: Ideal Pure Milk Co., Owensboro. Mfr: Krim Ko Company, Chicago, Illinois. None found.
A-18640	8-17-45	Dr. Sweet's Root Beer. Dlr: Squirt Bottling Company, Owensboro. Mfr: Corn Products Sales Company, Louisville. Pone found.
A-18151	8-14-45	7-Up. Dlr. and Mfr: 7-Up Bottling Company, Bowling Green. None found.
A-18152	8-14-45	Squirt. Dlr. and Mfr: Keller Bottling Works, Bowling Green. None found.
A-18154	8-14-45	Dr. Pepper. Dlr. and Mfr: Dr. Pepper Bottling Company, Bowling Green. None found.
A-18155	8-14-45	Pepsi-Cola. Dlr. and Mfr. Pepsi-Cola Bottling Co., Bowling Green. None found.
A-12857	8-13-45	Double Cola. Dlr. and Mfr: King Kole Bottling Company, Hopkinsville. None found.
A-12858	8-13-45	7-Up. Dlr. and Mfr: 7-Up Bottling Co., Hopkinsville. None found.
A-12859	8-13-45	Pepsi-Cola. Dlr. and Mfr: 7-Up Bottling Company, Hopkinsville. None found.
A-18153	8-14-45	NuGrape. Dlr: Dr. Pepper Bottling Co., Bowling Green. Saccharin present. Adulturated and misbranded.

A-18178	8-20-45	Pale Gingergale Dry. Dlr. Dlr. and Mfr: High Rock Gingerale Company, Louisville. None found.
A-18180	8-20-45	Strawberry Soda. Dlr. and Mfr: Pepsi-Cola Bottling Company, Louisville. None found.
A-18181	8-20-45	Grape Drink. Dlr. and Mfr: Same as above. None found.
A-18182	8-20-45	Dr. Swett's Root Beer. Dlr. and Mfr: Same as above. None found.
A-18183	8-20-45	Orange Soda. Dlr. and Mfr: Nehi Beverage Company, Louisville. None found.
A-18184	8-20-45	Orange Crush Soda. Dlr. and Mfr: John G. Epping Company, Louisville. None found.
A-18185	8-20-45	7-Up. Dlr. and Mfr: Same as above. None found.
A-18186	8-20-45	"Hep". Dlr. and Mfr: Red Rock Beverage Company, Louisville. None found.
A-18186	8-20-45	Hage & Hage. Dlr. and Mfr: Same as above. None found.
A-18188	8-20-45	Red Rock Cola. Dlr. and Mfr: Same as above. None found.
A-18189	8-21-45	"Spizz". Dlr. and Mfr: Dr. Pepper Bottling Company, Louisville. None found.
A-18190	8-21-45	Canada Dry Ginger Ale. Dlr and Mfr: Canada Dry Ginger Ale Co., Louisville. None found.
A-18191	8-21-45	"Hi Spot". Dlr. and Mfr: Same as above. None found.
A-18192	8-21-45	Canada Dry Tom Collins Mixer. Dlr. and Mfr: Same as above. None found.
A-15282	8-27-45	Ale 81. Dlr. and Mfr. Wainsott Bottling Company. Winchester. None found.

A-15283 8-28-45 Grapette. Dlr. and Mfr: Bell & Sons, Paris. None found.

A-16288 8-30-45 Orange. Dlr. and Mfr: Pepsi-Cola Bottling Company, Tompkinsville. None found.

A-15285 8-30-45 Dr. Pepper. Dlr. and Mfr: Dr. Pepper Bottling Company, Cynthiana. None found.

A-15284 8-30-45 Cheer Up. Dlr. and Mfr: Same as above. None found.

A-17495 9-14-45 Soda Water Concentrate. Dlr: Pepsi-Cola Bottling Company, Owensboro. Mfr: Harrison Orange Products Co., Chicago. Saccharin present.

CANDY

A-17885 1-23-45 Strawberry Candy Drops. Submitted by Webster County Health Department for examination for filth. Manufactured by a Mexican concern. No microscopic evidence of filth. Labeled in accordance with FDA.

A-18928 1- 7-45 Chocolate Candy. Mfr: Jane Louise Candies, Lancaster, Pennsylvania. Examined for filth. Filthy and contaminated by rodents. Reported to Pennsylvania officials for their follow-up.

A-19176 1-21-45 Cocoanut covered marshmallow candy. Sample collected on distributor's complaint at Burkesville. Mfr: J. & J. Candy Company, Charlotte, N. C. Dlr: Burkesville Grocery Company, Burkesville. Referred to FDA for further investigation.

CEREAL PRODUCTS (Baked Goods)

A-13930 4-18-45 Cake. Substituted by Bell County Health Department for possible food poisoning organisms. None found. Icing contaminated plant fiber.

A-17887 6-18-45 "Lemon Blossom" Cookies. Submitted by Campbell County Health Department for examination to determine any inedible fat in icing. Dlr Kroger's, Newport. Mfr: Kroger's, Cincinnati, Ohio. Sample passed.

CEREAL PRODUCTS (Breakfast Foods)

A-17759 2-21-45 Pep. Dlr: Cadlage Meat Market, Louisville. Mfr: Kellog Company, Battle Creek, Michigan. Examined for Vitamin D. content. Passed.

A-16655 6- 7-45 Pep.Dlr: Schneider Grocery Louisville. Mfr: Same as above: Examined for Vitamin D. content. Passed.

CEREAL PRODUCTS (Corn Meal)

A-16292 10-17-45 Corn Meal. Dlr. and Mfr: Moss Milling Company, Greensburg. Contaminated with filth and rodent excreta.

A-16294 10-22-45 Corn Meal. Dlr. and Mfr: Anderson County Hill, Lawrenceburg. Not infested.

A-16296 10-23-45 Corn Meal. Dlr. and Mfr: Bagdad Roller Mills, Bagdad. Not infested.

A-19298 10-23-45 Corn Meal. Dlr. and Mfr: Climax Roller Mills, Shelbyville. Passed.

CEREAL PRODUCTS (Flour and Grain)

A-16293 10-27-45 Flour. Dlr. and Mfr: Anderson County Milling Company, Lawrenceburg. Examined for filth and insect infestation. Passed.

A-16295 10-28-45 Flour. Dlr. and Mfr: Bagdad Roller Mills, Bagdad. Examined for filth and insect infestation. Passed.

A-16297 10-28-45 Wheat Flour. Dlr. and Mfr: Climax Roller Mills, Shelbyville. Examined for filth and infestation. Passed.

A-18143 12-12-45 Ground Wheat. Dlr. and Mfr: Ashland Hatchery, Ashland. Submitted by Boyd County Health Department for analysis for poison. Passed..

A-16696 12-12-45 "Namico" Middlings. Dlr. and Mfr: 13th Street Market, Ashland. Submitted by Boyd County Health Department for analysis for poison. Passed.

DAIRY PRODUCTS: (Butter)

A-17254 1-29-45 "Reliable" Butter. Dlr. and Mfr: Kingan and Co., Lebanon. Chemical. Passed.

A-17255 1-29-45 "Forestbrook" Butter. Dlr. and Mfr: Same as above. Chemical. Passed.

A-17256 1-29-45 Butter. Dlr. and Mfr. Bluegrass Butter Company. Harrodsburg. Chemical. Passed.

A-17867 2-22-45 Butter. (Cresta Creamery No. 2) Dlr. and
T-17868 Mfr: Swift and Company, Lexington. Mold
A-17869 Count. Passed.

A-17469 3- 1-45 Butter. Dlr; and Mfr: Field Packing Company, Owensboro. Chemical. Passed.

A-17471 3- 2-45 Butter. Dlr. and Mfr: Princeton Green & Butter Co., Princeton. Chemical. Passed.

A-17485 5-25-45 Butter. Dlr. and Mfr: Same as above. Mold
A-17486 Count. Passed. Chemical. Passed.

A-17488 5-25-45 Butter. "Golden Rod" Brand. Dlr. and Mfr: U. C. Milk Company, Madisonville. Chemical—excessive moisture and slightly deficient in fat.

A-17489 5-25-45 Butter. Dlr. and Mfr: Field Packing Com-
A-17490 pany, Owensboro. Mold count—passed. Chemical—Passed.

A-16019 6-26-45 No. 2 Cresta Butter. Dlr. and Mfr: Swift
A-16020 and Co., Lexington. Mold count—High. Chemical—passed.

A-18201	7-26-45	Bluegrass Butter. Dlr: Steiden Store, Louisville. Mfr: Bluegrass Butter Company, Harrodsburg. Passed.
A-15286 A-15287	9- 7-45	No. 2 Cresta Butter. Dlr. and Mfr. Swift and Company, Lexington. Mold count and chemical—Passed.
A-16299	10-25-45	Bluegrass Butter. Dlr: Steiden Store,, Louisville. Mfr: Bluegrass Butter Company, Harrodsburg. Chemical—Passed. Microscopical—Slight filth.
A-15293 A-15294	12-14-45	No. 2 Cresta Butter. Dlr. and Mfr: Swift and Company, Lexington. Chemical—Passed.

The following samples were collected from the Louisville branch of the Armour Creameries.

A-17755	2- 5-45	Butter. Chemical—Adulterated: Excessive moister and deficient in fat.
A-17760	2-28-45	Butter. Chemical—Adulterated: Excessive moisture.
A-17443	6- 1-45	Butter. Mold count—Passed.
A-17444	6- 1-45	Butter. Chemical—Passed.
A-18202 A-18203 A-18211 A-18212 A-18213	7-26-45	Butter. Mold count—high on all samples.

The following sampless were collected from the Blue Valley Creamery, Louisville.

A-17756	2- 5-45	Butter Chemical—Adultered: Excessive moisture.
A-17446	6- 1-45	Butter. Mold count—Passed.
A-17445	6- 1-45	Butter. Chemical—Adulterated: Excessive moisture.

A-17275	7-26-45	Butter. Chemical—Slight moisture.
A-17294	7-26-45	Butter. Mold count—Passed.
A-18205		
A-18207		
A-18209		
A-18210		
A-18206		

The following samples were collected from the Sugar Creek Creamery, Louisville.

A-17754	2- 2-45	Butter. Chemical—Passed.
A-17441	6- 1-45	Butter. Mold count—Passed.
A-17442	6- 1-45	Butter. Chemical—Passed.
A-17267	7-25-45	Butter—Mold Count—Passed on all samples.
A-17268		
A-17269		
A-17270		
A-17271		
A-17272		
A-17273		

DAIRY PRODUCTS: (Cheese)

A-17257	7- 7-45	Cheddar Cheese. Mfr: Armour Creameries, Springfield. All samples submitted to determine if properly pasteurized. Phosphatase test showed underpasteurization of all samples.
A-17258		
A-17259		
A-17260		
A-17261	7- 7-45	Cheddar Cheese. Mfr: Kingan and Company, Lebanon. All samples collected to determine if properly pasteurized. All except one sample showed improper pasteurization. Injunction brought against this company in March, 1946, by Federal Court, to cease manufacture of cheese.
A-17262		
A-17263		
A-17264		
A-17265		
A-17266		

DAIRY PRODUCT: (Ice Cream Mix)
(Ice Cream)

None for 1945

DAIRY PRODUCTS (Milk)

Milk—The bacterial count of Grade "A" Raw Milk should be 50,000 or less per c.c. Grade "A" Pasteurized Milk should be 30,000 or less per c.c. The butter fat not less than 3.25%; temperature of milk as it is sold—not more than 50° F.

Milk for pasteurization should have a bacterial count of not more than 200,000 per c.c. and the temperature when delivered at the pasteurization plant should be not more than 70° F.

ANDERSON COUNTY

1-16-45	Raw Milk.	Biddwhistle Dairy.	Passed
3-26-45	Raw Milk.	Birdwhistle Dairy.	Passed
4-17-45	Raw Milk.	Birdwhistle Dairy.	Passed
5-16-45	Raw Milk.	Birdwhistle Dairy.	Passed
6-13-45	Raw Milk.	Birdwhistle Dairy.	Passed
6-23-45	Raw Milk.	Birdwhistle Dairy.	Passed
7-24-45	Raw Milk.	Birdwhistle Dairy.	High bacteria
9-25-45	Raw Milk.	Birdwhistle Dairy.	Passed.
10-17-45	Raw Milk.	Birdwhistle Dairy.	Passed
11-13-45	Raw Milk.	Birdwhistle Dairy.	Passed
1-16-45	Raw Milk.	Hanks Dairy	Passed
2-19-45	Raw Milk.	Hanks Dairy.	Passed
3-26-45	Raw Milk.	Hanks Dairy.	Passed
4-17-45	Raw Milk.	Hanks Dairy.	Passed
5-16-45	Raw Milk.	Hanks Dairy.	Passed
6-13-45	Raw Milk.	Hanks Dairy.	Passed
6-27-45	Raw Milk.	Hanks Dairy.	Passed
7-24-45	Raw Milk.	Hanks Dairy.	Passed
9-25-45	Raw Milk.	Hanks Dairy.	High bacteria
10-17-45	Raw Milk.	Hanks Dairy.	Passed
11-13-45	Raw Milk.	Hanks Dairy.	Passed
1-16-45	Raw Milk.	Martins Dairy.	Passed
2-19-45	Raw Milk.	Martins Dairy.	High bacteria
3-26-45	Raw Milk.	Martins Dairy.	High bacteria
4-17-45	Raw Milk.	Martins Dairy.	Passed
5-16-45	Raw Milk.	Martins Dairy.	Passed
6-27-45	Raw Milk.	Martins Dairy.	High bacteria
7-24-45	Raw Milk.	Martins Dairy.	Passed

9-25-45 Raw Milk. Martins Dairy. High bacteria
10-17-45 Raw Milk. Martins Dairy. Passed
11-13-45 Raw Milk. Martins Dairy. High bacteria
1-16-45 Raw Milk Sunnydale Dairy. Passed
2-19-45 Raw Milk. Sunnydale Dairy. Passed
3-26-45 Raw Milk. Sunnydale Dairy. Passed
4-17-45 Raw Milk. Sunnydale Dairy. Passed
5-16-45 Raw Milk. Sunnydale Dairy. Passed
6-13-45 Raw Milk. Sunnydale Dairy. High bacteria
6-27-45 Raw Milk. Sunnydale Dairy. High bacteria
7-24-45 Raw Milk. Sunnydale Dairy. Passed
9-25-45 Raw Milk. Sunnydale Dairy. Passed
10-17-45 Raw Milk. Sunnydale Dairy. Passed
11-13-45 Pasteurized Milk. Sunnydale Dairy. High bacteria
12- 4-45 Pasteurized Milk. Sunnydale Dairy. High bacteria Underpasteurized
12- 4-45 Raw Milk. Sunnydale Dairy. Passed
1-16-45 Raw Milk. Young Dairy. Passed
2-19-45 Raw Milk. Young Dairy. Passed
3-26-45 Raw Milk. Young Dairy. Passed
4-17-45 Raw Milk. Young Dairy. Passed
5-16-45 Raw Milk. Young Dairy. Passed
6-13-45 Raw Milk. Young Dairy. Passed
6-27-45 Raw Milk. Young Dairy. Passed
7-24-45 Raw Milk. Young Dairy. Passed
9-25-45 Raw Milk. Young Dairy. Passel
10-17-45 Raw Milk. Young Dairy. Passed
11-13-45 Raw Milk. Young Dairy. Passed
7-24-45 Raw Milk. Cammock Dairy. High bacteria
6-27-45 Raw Milk. Cammock Dairy. High bacteria

BARREN COUNTY

2-15-45 Pasteurized Milk. Brown Dairy, Bowling Green. Passed
9-17-45 Pasteurized Milk. Brown Dairy, Bowling Green. High bacteria
2-15-45 Raw Milk. Clark Dairy. Passed
2-15-45 Raw Milk. Coleman's. Passed

9-17-45 Raw Milk, Grade A. Coleman's. High bacteria
2-15-45 Raw Milk. Cresent Acres. Low in fat
2-15-45 Raw Milk. Strader's. Passed

BELL COUNTY

7-25-45 Raw Milk. Ward Chumley. Passed
9- 6-45 Raw Milk. Ward Chumley. Passed
10-24-45 Raw Milk. Ward Chumley. Passed
12-19-45 Raw Milk. Ward Chumley. Passed
7-25-45 Raw Milk. W. P. Creswell. Passed
9- 6-45 Raw Milk. W. P. Creswell. Passed
10-24-45 Raw Milk. W. P. Creswell. Passed
12-19-45 Raw Milk. W. P. Creswell. Passed
7-25-45 Pasteurized Milk. Cumberland Dairy. Underpasteurized. High bacteria
9- 6-45 Pasteurized Milk. Cumberland Dairy. High bacteria. Watered
10-24-45 Pasteurized Milk. Cumberland Dairy. High bacteria
12-19-45 Pasteurized Milk. Cumberland Dairy. High bacteria. Watered. Low in butter fat
7-25-45 Raw Milk. Shelton Evans. Passed
9- 6-45 Raw Milk. Shelton Evans. Low in butter fat
10-24-45 Raw Milk. Shelton Evans. Low in butter fat
12-19-45 Raw Milk. Shelton Evans. Passed
7-25-45 Raw Milk. Nuckols Dairy. Passed
9- 6-45 Raw Milk. Nuckols Dairy. High bacteria
10-24-45 Raw Milk. Nuckols Dairy. Passed
12-19-45 Raw Milk. Nuckols Dairy. Passed
7-25-45 Pasteurized Milk. Pineville Milk Co. High bacteria
9- 6-45 Pasteurized Milk. Pineville Milk Co. Underpasteurized
10-24-45 Pasteurized Milk. Pineville Milk Co. High bacteria
12-19-45 Pasteurized Milk. Pineville Milk Co. Watered
7-25-45 Pasteurized Milk (2 samples). A. B. Snyder & Son. High bacteria
9- 6-45 Pasteurized Milk (2 samples). A. B. Snyder & Son. High bacteria
10-24-45 Pasteurized Milk (2 samples). A. B. Snyder & Son. High bacteria

12-19-45 Pasteurized Milk (2 samples). A. B. Snyder & Son. High Bacteria. Low in butter fat. Watered

BOURBON COUNTY

1-23-45 Pasteurized Milk. Ashland Dairy, Lexington. High bacteria
2-13-45 Pasteurized Milk. Ashland Dairy, Lexington. High bacteria
3-21-45 Pasteurized Milk. Ashland Dairy, Lexington. High bacteria
4-25-45 Pasteurized Milk. Ashland Dairy, Lexington. High bacteria
6-13-45 Pasteurized Milk. Ashland Dairy, Lexington. High bacteria
9-12-45 Pasteurized Milk (Grade A). Ashland Dairy, Lexington. High bacteria
9-20-45 Pasteurized Milk (Grade A). Ashland Dairy, Lexington. High bacteria
10-16-45 Pasteurized Milk (Grade A). Ashland Dairy, Lexington. Passed
11-28-45 Pasteurized Milk (Grade A). Ashland Dairy, Lexington. High bacteria
1-23 45 Raw Milk. Cold Spring Dairy. Passed
2-13-45 Raw Milk. Cold Spring Dairy. Passed
3-21-45 Raw Milk. Cold Spring Dairy. Low in butter fat
4-25-45 Raw Milk. Cold Spring Dairy. High bacteria
1-23-45 Raw Milk. Forward Farm. Passed
2-13-45 Raw Milk. Forward Farm. High bacteria
3-21-45 Raw Milk. Forward Farm. High bacteria
4-25-45 Raw Milk. Forward Farm. High bacteria
6-13-45 Raw Milk. Forward Farm. Passed
9-12-45 Raw Milk, Grade A. Forward Farm. High bacteria
9-17-45 Pasteurized Milk. Forward Farm. High bacteria Underpasteurized
9-26-45 Raw Milk. Forward Farm. Passed
10- 2-45 Pasteurized Milk, Grade A. Forward Farm. Passed
10-16-45 Pasteurized Milk. Forward Farm. High bacteria
10-16-45 Raw Milk, Grade A. Forward Farm. High bacteria
11-28-45 Raw Milk, Grade A. Forward Farm. High bacteria

11-28-45 Pasteurized Milk, Grade A. Forward Farm. Low in butter fat
12-19-45 Pasteurized Milk, Grade A. Forward Farm. Passed
1-23-45 Raw Milk. Garrett Daugherty. Passed
2-13-45 Raw Milk. Garrett Daugherty. Passed
3-21-45 Raw Milk. Garrett Daugherty. Watered
4-25-45 Raw Milk. Garrett Daugherty. Passed
6-13-45 Raw Milk. Garrett Daugherty. Passed
9-12-45 Raw Milk. Garrett Daugherty. Passed
10-16-45 Raw Milk. Garrett Daugherty. High bacteria
11-28-45 Raw Milk. Garrett Daugherty. Passed
12-19-45 Raw Milk. Garrett Daugherty. Passed
1-23-45 Raw Milk. Sam Howard. Watered
2-13-45 Raw Milk. J. W. Payne. High bacteria. Watered
3-21-45 Raw Milk. J. W. Payne. High bacteria. Low in butter fat
4-25-45 Raw Milk. J. W. Payne. Low in butter fat
1-23-45 Raw Milk. R. L. Wilson. Passed
2-13-45 Raw Milk. R. L. Wilson. Passed
3-21-45 Raw Milk. R. L. Wilson. Passed
4-25-45 Raw Milk. R. L. Wilson. High bacteria
6-13-45 Raw Milk. R. L. Wilson. Passed
9-12-45 Raw Milk. R. L. Wilson. Low in butter fat
10-16-45 Raw Milk, Grade A. R. L. Wilson. Passed
11-28-45 Raw Milk, Grade A. R. L. Wilson. High bacteria
12-19-45 Raw Milk, Grade A. R. L. Wilson. Passed
6-13-45 Pasteurized Milk. Mohney's, Lexington. High bacteria
9-12-45 Pasteurized Milk. Lexington Dairy. High bacteria
9-20-45 Pasteurized Milk, Grade A. Lexington Dairy. High bacteria
9-20-45 Pasteurized Milk, Grade A. Kelly's, Lexington. High bacteria. Underpasteurized
9-26-45 Raw Milk. Steelway Farm. High bacteria
10-16-45 Raw Milk. Steelway Farm. Passed
11-28-45 Raw Milk, Grade A. Steelway Farm. High bacteria
9-26-45 Raw Milk. Spears Farm. High bacteria. Low in butter fat
10-18-45 Raw Milk. Spears Farm. Low in butter fat

11-18-45 Raw Milk. Spears Farm. High bacteria. Low in butter fat
11-20-45 Raw Milk, Grade A. Leland Noel. Low in butter fat

BOYLE COUNTY

2-28-45 Pasteurized Cream, Grade A. Pinecrest Dairy. Underpasteurized
2-28-45 Pasteurized Cream, Grade A. Pinecrest Dairy. Passed
2-28-45 Cream. Swiss Sanitary Dairy. Passed
2-28-45 Cream. Swiss Sanitary Dairy. Passed
3- 5-45 Cream. Swiss Sanitary Dairy. Passed
3- 8-45 Cream. Swiss Sanitary Dairy. Passed

BRACKEN COUNTY

2-13-45 Raw Milk. Wm. Abernathy. Passed
4-24-45 Raw Milk. Wm. Abernathy. Passed
2-13-45 Raw Milk. Wall Bacon. Passed
4-24-45 Raw Milk. Wall Bacon. Passed
6-26-45 Raw Milk. Wall Bacon. Passed
7-31-45 Raw Milk. Wall Bacon. Passed
2-13-45 Raw Milk. Fred B. Cook. Passed
4-24-45 Raw Milk. Fred B. Cook. High bacteria
4-26-45 Raw Milk (2 samples). Fred B. Cook. High bacteria
7-31-45 Raw Milk. Fred B. Cook. High bacteria
2-13-45 Raw Milk, Grade A. John Corlis. Passed
3-28-45. Raw Milk, Grade A. John Corlis. High bacteria Low in butter fat
3-28-45 Raw Milk, Grade A. John Corlis. High bacteria
4-24-45 Raw Milk, Grade A. John Corlis. High bacteria
4-24-45 Raw Milk, Grade A. John Corlis. Passed
6-26-45 Raw Milk, Grade A (2 samples). John Corlis. High bacteria
7-31-45 Raw Milk, Grade A (2 samples). John Corlis. High bacteria
2-13-45 Raw Milk, Grade A. Adam Kalb. High bacteria
2-20-45 Raw Milk, Grade A. Adam Kalb. Passed
4-24-45 Raw Milk, Grade A. Adam Kalb. Passed
6-26-45 Raw Milk, Grade A. Adam Kalb. High bacteria

7-31-45 Raw Milk, Grade A. Adam Kalb. Passed
2-13-45 Raw Milk. George Kelch. Passed
4-24-45 Raw Milk. George Kelch. High bacteria
7-13-45 Raw Milk. George Kelch. High bacteria
2-13-45 Raw Milk. Fred Welte. Passed
4-24-45 Raw Milk. Fred Welte. Passed
6-26-45 Raw Milk. Fred Welte. Passed
7-31-45 Raw Milk. Fred Welte. High bacteria
4-24-45 Cream. E. B. Winters. Passed
7-31-45 Raw Milk. H. Stapleton. Low in butter fat

BULLITT COUNTY

12-12-45 Raw Milk. Tom Adams. Passed
12-12-45 Raw Milk. Chester Hill. Passed
12-12-45 Raw Milk. J. Hoagland. Passed
12-12-45 Raw Milk. H. Miller. Passed
12-12-45 Raw Milk. H. Jenkins. High bacteria
12-12-45 Raw Milk. L. Masden. Passed
12-12-45 Raw Milk. L. Thompson. Passed

CALDELL COUNTY

2-28-45 Raw Milk. Lem Beckner. Low in butter fat
3-26-45 Raw Milk. Lem Beckner. Passed
9-26-45 Raw Milk. Lem Beckner. Passed
2-28-45 Pasteurized Milk. Princeton Creamery. High bacteria
3-26-45 Pasteurized Milk. Princeton Creamery. Passed
3-26-45 Milk to be pasteurized. Princeton Creamery. Passed
9-26 45 Pasteurized Milk. Princeton Creamery. Passed
9-26-45 Pasteurized Milk. Princeton Creamery. Passed
2-28-45 Pasteurized Milk. Carl Sparks. Passed
2-28-45 Milk to be pasteurized. Carl Sparks. Passed
3-26-45 Pasteurized Milk. Carl Sparks. Passed
3-26-45 Milk to be pasteurized. Carl Sparks. Passed
9-26-45 Pasteurized Milk, Grade A. Carl Sparks. Passed
2-28-45 Raw Milk. J. D. Wylie. Passed
3-26-45 Raw Milk. J. D. Wylie. Passed
9-26-45 Raw Milk. J. D. Wylie. Passed

CALLOWAY COUNTY

1-16-45 Raw Milk, Grade A. Brookland Dairy. Passed
8-27-45 Raw Milk, Grade A. Brookland Dairy. Passed
3- 5-45 Raw Milk, Grade A. W. H. Brooks. High bacteria
8-27-45 Raw Milk to be pasteurized. W. H. Brooks. High bacteria
10- 8-45 Raw Milk to be pasteurized. W. H. Brooks. Watered
1-16-45 Raw Milk to be pasteurized. College Farm. Passed
3- 5-45 Raw Milk to be pasteurized. College Farm. Passed
8-27-45 Raw Milk to be pasteurized. College Farm. High bacteria
10- 8-45 Raw Milk to be pasteurized. College Farm. Passed
1-16-45 Raw Milk to be pasteurized. R. H. Crause. Passed
3- 5-45 Raw Milk to be pasteurized. R. H. Crause. High bacteria
8-27-45 Raw Milk to be pasteurized. R. H. Crause. High bacteria
10- 8-45 Raw Milk to be pasteurized. R. H. Crause, Passed
8-27-45 Raw Milk to be pasteurized. Guy Culver. High bacteria
1-16-45 Raw Milk to be pasteurized. Tay Darnell. Passed
8-27-45 Raw Milk to be pasteurized. Tay Darnell. Passed
10- 8-45 Raw Milk to be pasteurized. Tay Darnell. Passed
1-16-45 Raw Milk to be pasteurized. H. G. Gringles. Passed
3- 5-45 Raw Milk to be pasteurized. H. G. Gringles. Passed
8-27-45 Raw Milk to be pasteurized. H. G. Gringles. High bacteria
10- 8-45 Raw Milk to be pasteurized. H. G. Gringles. Passed
1-16-45 Raw Milk to be pasteurized. M. D. Harrison. High bacteria
3- 5-45 Raw Milk to be pasteurized. M. D. Harrison. High temp. and bacteria
8-27-45 Raw Milk to be pasteurized. M. D. Harrison. High temp. and bacteria
10- 8-45 Raw Milk to be pasteurized. M. D. Harrison. Passed Passed
1-16-45 Raw Milk to be pasteurized. N. C. Harrison. Passed
3- 5-45 Raw Milk to be pasteurized. N. C. Harrison. Passed
8-27-45 Raw Milk to be pasteurized. N. C. Harrison. Passed

10- 8-45 Raw Milk to be pasteurized. N. C. Harrison. Passed
1-16-45 Raw Milk to be pasteurized. F. C. Holland. Passed
3- 5-45 Raw Milk to be pasteurized. F. C. Holland. Passed
8-27-45 Raw Milk to be pasteurized. F. C. Holland. High bacteria
10- 8-45 Raw Milk to be pasteurized. F. C. Holland. High bacteria
3-10-45 Raw Cream. Riverview Farms. Passed
1-16-45 Raw Milk to be pasteurized. Rhodes & Ward. Low in butter fat
3- 5-45 Raw Milk to be pasteurized. Rhodes & Ward. High bacteria
10- 8-45 Raw Milk to be pasteurized. Rhodes & Ward. High bacteria
1-16-45 Raw milk to be pasteurized. E. B. Ross. Passed
3- 5-45 Raw Milk to be pasteurized. E. B. Ross. Passed
8-27-45 Raw Milk to be pasteurized. E. B. Ross. Passed
10-8 -45 Raw Milk to be pasteurized. E. B. Ross. Passed
1-16-45 Pasteurized Milk, Grade A. Ryan Milk Company. Passed
1-16-45 Pasteurized Milk, ungraded. Ryan Milk Company. Passed
3- 5-45 Pasteurized Milk, ungraded. Ryan Milk Company. High bacteria
3- 5-45 Pasteurized Milk, Grade A. Ryan Milk Company. High bacteria
8-27-45 Raw Milk to be pasteurized. Ryan Milk Company. Passed
8-27-45 Pasteurized Milk, Grade A. Ryan Milk Company. Passed
10- 8-45 Pasteurized Milk, Grade A. Ryan Milk Company. Underpasteurized. High bacteria
10- 8-45 Pasteurized Milk, ungraded. Ryan Milk Company. High bacteria
1-16-45 Milk to be pasteurized. G. B. Scott. Passed
3- 5-45 Milk to be pasteurized. G. B. Scott. Passed
8-27-45 Milk to be pasteurized. G. B. Scott. Passed
10- 8-45 Milk to be pasteurized. G. B. Scott. Passed
1-16-45 Milk to be pasteurized. O. S. Wall. Passed

3- 5-45 Milk to be pasteurized. O. S. Wall. Passed
8-27-45 Milk to be pasteurized. O. S. Wall. Passed
10- 8-45 Milk to be pasteurized. O. S. Wall. Passed
3- 5-45 Milk to be pasteurized. Calvin Wrather. Passed
8-27-45 Milk to be pasteurized. Calvin Wrather. Passed
10- 8-45 Milk to be pasteurized. Calvin Wrather. Passed
3- 5-45 Milk to be pasteurized. R. Wrather. Passed
10- 8-45 Milk to be pasteurized. R. Wrather. Passed

CAMPBELL COUNTY

7-25-45 Pasteurized Milk. Cloverleaf Dairy. Passed
8- 7-45 Pasteurized Milk. Cloverleaf Dairy. Passed

CARROLL COUNTY

2-21-45 Raw Cream, Grade A (2 samples), Riverview Farms. Passed
3-10-45 Raw Cream, Grade A (2 samples). Riverview Farms. Passed

CLARK COUNTY

1-22-45 Raw Milk. Bishop. High bacteria
1-22-45 Raw Milk. Cole Dairy. High bacteria
1-22-45 Raw Milk. McKenney. High bacteria
1-22-45 Raw Milk to be pasteurized. Robinson. Passed
1-22-45 Raw Milk to be pasteurized. Shearer. Passed
1-22-45 Pasteurized Milk, Grade A. Wills Dairy. High bacteria
1-23-45 Raw Milk. Berryman. Passed
1-23-45 Raw Milk. Castle. High bacteria
1-23-45 Raw Milk. Christopher. High bacteria
1-23-45 Raw Milk. Lee. High bacteria
1-23-45 Pasteurized Milk. Marsh Dairy. Passed
1-23-45 Pasteurized Milk, Grade A. Marsh Dairy. Passed
1-23-45 Raw Milk. Osborne. High bacteria
1-23-45 Raw Milk to be pasteurized. Pruitt. High bacteria
1-23-45 Raw Milk. Rayburn. High bacteria
1-23-45 Raw Milk. Royse. High bacteria
1-23-45 Raw Milk. Tuttle. Passed
1-23-45 Raw Milk. Wiseman. Passed

1-23-45 Raw Milk. Witt. High bacteria
1-30-45 Raw Milk to be pasteurized. Duncan. Passed
1-30-45 Raw Milk to be pasteurized. Rogers. Low in butter fat
1-30-45 Pasteurized Milk, Grade A. Vistalinda Dairy. Underpasteurized
1-30-45 Pasteurized Milk, Grade A. Vistalinda Dairy. Passed
1-30-45 Raw Milk to be pasteurized. Vistalinda Dairy. Passed.
1-30-45 Pasteurized Milk. Wills Dairy. Passed
1-30-45 Pasteurized Milk, Grade A. Wills Dairy. Passed
2- 7-45 Raw Milk, Grade A. Farris. Passed
2- 7-45 Raw Milk. Little Dairy. Passed
2- 7-45 Pasteurized Milk, Grade A. Marsh Dairy. High bacteria
2- 7-45 Pasteurized Milk. Marsh Dairy. High bacteria
2- 7-45 Milk to be pasteurized. Osborne. High bacteria
2- 7-45 Milk to be pasteurized. Pruitt. Passed
2- 7-45 Milk to be pasteurized. Robinson. Passed
2- 7-45 Milk to be pasteurized. Shearer. Passed
2- 7-45 Milk to be pasteurized. Royse. High bacteria
2- 7-45 Milk to be pasteurized. Wiseman. Passed
2- 7-45 Milk to be pasteurized. Witt. Passed
2- 7-45 Pasteurized Milk, Grade A (2). Wills Dairy. Passed
2- 7-45 Pasteurized Milk, Grade A. Vistalinda Dairy. Passed
2- 7-45 Pasteurized Milk, Grade A. Vistalinda Dairy. Underpasteurized
3-26-45 Raw Milk, Grade A. Farris & Haggard. Passed
3-26-45 Raw Milk. Henry Farm. High bacteria
3-26-45 Raw Milk. Little Dairy. Passed
3-26-45 Raw Milk to be pasteurized. Robinson. High bacteria
3-26-45 Raw Milk to be pasteurized. Shearer. High bacteria
3-26-45 Pasteurized Milk, Grade A. Vistalinda Dairy. Passed
3-26-45 Pasteurized Milk, Grade A. Vistalinda Dairy. High bacteria

3-26-45 Pasteurized Milk (2 samples), Wills Dairy. High bacteria
3-28-45 Raw Milk. Berryman. High bacteria
3-28-45 Raw Milk to be pasteurized. Castle. High bacteria
3-28-45 Raw Milk. Christopher. High bacteria
3-28-45 Raw Milk. Lee. High bacteria
3-28-45 Pasteurized Milk, Grade A (2). Marsh Dairy. High bacteria
3-28-45 Raw Milk. Osborne. High bacteria. Low in butter fat
3-28-45 Raw Milk to be pasteurized. Paynter. Passed
3-28-45 Raw Milk to be pasteurized. Pruitt. High bacteria
3-28-45 Raw Milk. Rogers. High bacteria
3-28-45 Raw Milk to be pasteurized. Shelton. High bacteria
3-28-45 Raw Milk. Tuttle. Passed
3-28-45 Raw Milk. Wiseman. Passed
3-28-45 Raw Milk. Witt. High bacteria
4- 4-45 Raw Milk to be pasteurized. Duncan. High bacteria
4- 4-45 Raw Milk to be pasteurized. Patron No. 73. High bacteria
4- 4-45 Raw Milk to be pasteurized. Robinson. Passed.
4- 4-45 Raw Milk to be pasteurized. Rogers. High bacteria
4- 4-45 Raw Milk to be pasteurized. Shearer. Passed
4- 4-45 Raw Milk to be pasteurized. Shelton. Passed
4- 4-45 Raw Milk. Spahr. Low in butter fat
4- 4-45 Pasteurized Milk. Wills Dairy. Passed
4- 9-45 Raw Milk. Berryman. High bacteria
4- 9-45 Raw Milk to be pasteurized. Castle. Passed
4- 9-45 Raw Milk. Christopher. High bacteria
4- 9-45 Raw Milk. Holton. Passed
4- 9-45 Raw Milk. Lee. High bacteria
4- 9-45 Pasteurized Milk. Marsh Dairy. High bacteria
4- 9-45 Pasteurized Milk, Grade A. Marsh Dairy. Passed
4- 9-45 Raw Milk. Osborne. Low in butter fat. High bacteria
4- 9-45 Raw Milk. Paynter. Low in butter fat
4- 9-45 Raw Milk to be pasteurized. Pruitt Passed
4- 9-45 Raw Milk to be pasteurized. Rogers. Passed
4- 9-45 Raw Milk. Royse. High bacteria
4- 9-45 Raw Milk. Tuttle. Low in butter fat

4-18-45 Raw Milk. Berryman. High bacteria
4-18-45
4-18-45 Raw Milk. Bowen. High bacteria
4-18-45 Raw Milk to be pasteurized. Castle. Passed
4-18-45 Raw Milk. Christopher. High bacteria
4-18-45 Pasteurized Milk, Grade A (2). Marsh Dairy. Passed
4-18-45 Raw Milk. Osborne. High bacteria
4-18-45 Raw Milk. Paynter. Passed
4-18-45 Raw Milk to be pasteurized. Pruitt. Passed
4-18-45 Raw Milk. Rayburn. High bacteria
4-18-45 Raw Milk. Rogers. Low in butter fat
4-18-45 Raw Milk. Royse. High bacteria
4-18-45 Raw Milk. Tuttle. Passed
4-24-45 Raw Milk. Bailey. High bacteria
4-24 45 Raw Milk. Bradley. High bacteria
4-24-45 Raw Milk to be pasteurized. Berryman. Passed
4-24-45 Raw Milk. Bishop. High bacteria
4-24-45 Raw milk to be pasteurized. Castle. High bacteria
4-24-45 Raw Milk. Chism. High bacteria
4-24-45 Raw milk to be pasteurized. Duncan. Passed
4-24-45 Raw Milk. Farris. High bacteria
4-24-45 Raw Milk. Fisher. High bacteria
4-24-45 Raw Milk. Gravitt. High bacteria
4-24-45 Raw Milk. Henry. High bacteria
4-24-45 Raw Milk. Howard. High bacteria
4-24-45 Raw Milk. Little Dairy. Passed
4-24-45 Pasteurized Milk, Grade A. Marsh Dairy. Passed
4-24-45 Pasteurized Milk, Grade A. Marsh Dairy. High bacteria
4-24-45 Raw Milk. McKenney. High bacteria
4-24-45 Raw Milk to be pasteurized. Osborne. Passed
4-24-45 Raw Milk to be pasteurized. Pruitt. Passed
4-24-45 Raw Milk to be pasteurized. Robinson. Passed.
4-24-45 Raw Milk to be pasteurized. Rogers. Passed
4-24-45 Raw Milk to be pasteurized. Royse. Passed
4-24-45 Raw Milk. Sams. Passed
4-24-45 Raw Milk to be pasteurized. Shearer. Passed
4-24-45 Raw Milk to be pasteurized. Shelton. Passed
4-24-45 Raw Milk to be pasteurized. Tuttle. Passed

4-24-45 Raw Milk to be pasteurized. Vistalinda. Passed
2-24-45 Pasteurized Milk, Grade A. Wills Dairy. Passed
4-25-45 Raw Milk. Berryman. High bacteria
4-25-45 Raw Milk, Grade A. Farris. High bacteria
4-25-45 Raw Milk. Osborne. High bacteria
4-25-45 Raw Milk. Royse. High bacteria
5- 9-45 Raw Milk. Berryman. High bacteria
5- 9-45 Raw Milk, Grade A. Castle. Passed
5- 9-45 Raw Milk. Christopher. Passed
5- 9-45 Raw Milk. Lee. Passed
5- 9-45 Raw Milk. Marsh Dairy. Passed
5- 9-45 Pasteurized Milk, Grade A. Marsh Dairy. Under-pasteurized
5- 9-45 Raw Milk. Osborne. Passed
5- 9-45 Raw Milk. Paynter. Passed
5- 9-45 Raw Milk. Pruitt. High bacteria
5 -9-45 Raw Milk. Rogers. Passed
5- 9-45 Raw Milk. Royse. Passed
5- 9-45 Raw Milk. Tuttle. High bacteria
5-14-45 Raw Milk. Berryman. High bacteria
5-14-45 Raw Milk, Grade A. Castle. Passed
5-14-45 Raw Milk. Christopher. High bacteria
5-14-45 Raw Milk, Grade A. Passed Duncan. Passed
5-14-45 Raw Milk. Frier. High Bacteria
5-14-45 Raw Milk. Lee. High bacteria
5-14-45 Raw Milk. Marsh. Passed
5-14-45 Pasteurized Milk, Grade A. Marsh Dairy. High bacteria
5-14-45 Raw Milk. Osborne. Passed
5-14-45 Raw Milk, Grade A. Pruitt. High bacteria
5-14-45 Raw Milk. Royse. High bacteria
5-14-45 Raw Milk, Grade A. Shelton. High bacteria
5-14-45 Raw Milk. Tuttle. Low in butter fat
5-21-45 Raw Milk. Berryman. High bacteria
5-21-45 Raw Milk. Christopher. High bacteria
5-21-45 Raw Milk. Lee. Passed
5-21-45 Pasteurized Milk, Grade A. Marsh Dairy. High bacteria
5-21-45 Raw Milk. Osborne. Passed
5-21-45 Raw Milk, Grade A. Paynter. High bacteria

5-21-45 Raw Milk. Tuttle. Passed
5-21-45 Pasteurized Milk. Vistalinda Dairy. Passed
5-21-45 Pasteurized Milk, Grade A. Vistalinda Dairy. High bacteria
5-30-45 Raw Milk. Berryman. High bacteria
5-30-45 Raw Milk. Castle. Passed
5-30-45 Raw Milk. Christopher. High bacteria
5-30-45 Raw Milk, Grade A. Farris. High bacteria
5-30-45 Raw Milk. Lee. Passed
5-30-45 Raw Milk. Marsh. High bacteria
5-30-45 Pasteurized Milk, Grade A. Marsh Dairy. Passed
5-30-45 Raw Milk. Osborne. Passed
5-30-45 Raw Milk, Grade A. Robinson. Passed
5-30-45 Raw Milk. Shearer. Passed
5-30-45 Raw Milk. Tuttle. Passed
5-30-45 Pasteurized Milk, Grade A. Wills Dairy. Passed
6-25-45 Raw Milk. Bush Farm. High bacteria. Watered
6-25-45 Raw Milk, Grade A. Duncan. Passed
6-25-45 Raw Milk. Geary. High bacteria
6-25-45 Raw Milk. Henry. High bacteria
6-25-45 Raw Milk. P. Letton. Passed
6-25-45 Raw Milk, Grade A. Robinson. Low in fat. High bacteria
6-25-45 Raw Milk. Shearer. High bacteria
6-25-45 Raw Milk, Grade A. Shelton. High bacteria
6-25-45 Pasteurized Milk, Grade A (2 samples). Vistalinda Dairy. Passed
6-25-45 Pasteurized Milk, Grade A. Wills Dairy. Passed
7-10-45 Raw Milk, Grade A. Castle. High bacteria
7-10-45 Raw Milk. Berryman. Passed
7-10-45 Raw Milk. Christopher. High bacteria
7-10-45 Raw Milk. Lee. Passed
7-10-45 Pasteurized Milk (2 samples). Marsh Dairy. Passed
7-10-45 Raw Milk. Osborne. Passed
7-10-45 Raw Milk, Grade A. Paynter. High bacteria
7-10-45 Raw Milk, Grade A. Rogers. Passed
7-10-45 Raw Milk, Grade A. Royse. High bacteria
7-10-45 Raw Milk. Tuttle. Passed
7-13-45 Raw Milk. Bush. High bacteria
7-13-45 Raw Milk. Geary. High bacteria

7-13-45 Raw Milk, Grade A. Robinson. High bacteria
7-13-45 Raw Milk, Grade A. Shearer. High bacteria
7-13-45 Pasteurized Milk, Grade A. Wills Dairy. Passed
7-19-45 Raw Milk. Berryman. Passed
7-19-45 Raw Milk. Castle. Watered
7-19-45 Raw Milk. Lee. Passed
7-19-45 Pasteurized Milk, Grade A (2). Marsh Dairy. Underpasteurized
7-19-45 Raw Milk. Osborne. Passed
7-19-45 Raw Milk, Grade A. Paynter. Passed
7-19-45 Raw Milk, Grade A. Pruitt. Passed
7-19-45 Raw Milk, Grade A. Rogers. Waterer
7-19-45 Raw Milk, Grade. Royse. High bacteria
7-19-45
7-24-45 Milk to be pasteurized. Duncan. Passed
7-24-45 Milk to be pasteurized. Rogers. Passed
7-24-45 Milk to be pasteurized. Shelton. High bacteria
7-24-45 Milk to be pasteurized (night). Vistalinda. High bacteria
7-24-45 Milk to be pasteurized (morning). Vistalinda. Passed
7-24-45 Pasteurized Milk, Grade A. Vistalinda. High bacteria
10- 2-45 Raw Milk. Cheairs & Robinson. Passed
10- 2-45 Raw Milk, Grade A. Farris & Haggard. High bacteria
10- 2-45 Raw Milk. Geary & Shearer. Passed
10- 2-45 Pasteurized Milk, Grade A. Marsh Dairy. Passed
10- 2-45 Pasteurized Milk, Grade A. Marsh Dairy. High bacteria
10- 2-45 Raw Milk. Ben Shearer. Passed
10- 2-45 Pasteurized Milk, Grade A. Vistalinda. High bacteria
10- 2-45 Pasteurized Milk. Wills Dairy. Passed
10- 9-45 Raw Milk. Berryman. High bacteria
10- 9-45 Raw Milk. G. E. Black. Passed
10- 9-45 Raw Milk. Cheairs & Robinson. High bacteria
10- 9-45 Raw Milk. Christopher. Passed
10- 9-45 Raw Milk. Duncan. Passed

10- 9-45 Pasteurized Milk, Grade A (4). Marsh Dairy. Passed
10- 9-45 Raw Milk. Osborne & March. Passed
10- 9-45 Raw Milk. Paynter. High bacteria
10- 9-45 Raw Milk. Rogers. Passed
10- 9-45 Raw Milk. Royse. High bacteria
10- 9-45 Raw Milk. Shearer. Passed
10- 9-45 Raw Milk. Geary & Shearer. Passed
10- 9-45 Raw Milk. Shelton. High bacteria
10- 9-45 Raw Milk. Turley. Passed
10- 9-45 Raw Milk. Tuttle. Passed
10- 9-45 Pasteurized Milk, Grade A. Vistalinda. Passed
10- 9-45 Pasteurized Milk, Grade A. Wills Dairy. Passed
10-17-45 Raw Milk. Berryman. High bacteria
10-17-45 Raw Milk. Castle. High bacteria
10-17-45 Raw Milk, Grade A. Farris & Haggard. High bacteria
10-17-45 Raw Milk. Geary & Shearer. Passed
10-17-45 Raw Milk. Lee. Passed
10-17-45 Raw Milk. Lyle & Cross. High bacteria
10-17-45 Pasteurized Milk, Grade A. Marsh Dairy. Passed
10-17-45 Raw Milk. Osborne & Marsh. High bacteria
10-17-45 Raw Milk. Paynter. High bacteria. Watered
10-17-45 Raw Milk. Pruett. Watered
10-17-45 Raw Milk. Royse. High bacteria
10-17-45 Raw Milk. Turley. Passed
10-17-45 Pasteurized Milk, Grade A. Vistalinda. Passed
10-17-45 Pasteurized Milk, Grade A. Wills Dairy. Passed
10-23-45 Raw Milk. Cheairs & Robinson. High bacteria
10-23-45 Raw Milk. Geary & Shearer. High Bacteria
10-23-45 Raw Milk. Lyle & Cross. Passed
10-23-45 Pasteurized Milk, Grade A. Marsh Dairy. Watered
10-23-45 Pasteurized Milk, Grade A (3). Marsh Dairy.
10-23-45 Pasteurized Milk, Grade A. Vistalinda. Passed
10-23-45 Pasteurized Milk, Grade A. Wills Dairy. Passed
10-30-45 Raw Milk. G. E. Black. Passed
10-30-45 Raw Milk. Castle. High bacteria
10-30-45 Raw Milk. Chearies, Robinson. Passed
10-30-45 Raw Milk. Geary & Shearer. High bacteria
10-30-45 Raw Milk. Lee. High bacteria

10-30-45 Raw Milk. Lyle & Cross. Passed
10-30-45 Pasteurized Milk, Grade A. Marsh Dairy. High bacteria
10-30-45 Pasteurized Milk, Grade A (3). Marsh Dairy. Passed
10-30-45 Raw Milk. Pruett. Passed
10-30-45 Raw Milk. Rogers. Passed
10-30-45 Pasteurized Milk, Grade A. Vistalinda. Passed
10-30-45 Pasteurized Milk, Grade A. Wills Dairy. Passed
11- 7-45 Pasteurized Milk, Grade A. Marsh Dairy. Passed
11- 7-45 Pasteurized Milk, Grade A. Vistalinda. High bacteria
11- 7-45 Pasteurized Milk, Grade A. Wills Dairy. High bacteria
11-20-45 Raw Milk. Black. Passed
11-20-45 Raw Milk, Grade A. Farris & Haggard. Passed
11-20-45 Raw Milk. Geary & Shearer. High bacteria
11-20-45 Raw Milk. Mrs. C. C. Little. Passed
11-20-45 Raw Milk. Lyle & Cross. High bacteria
11-20-45 Pasteurized Milk, Grade A. Marsh Dairy. Passed
11-20-45 Raw Milk. Royse. High bacteria
11-20-45 Raw Milk. Sams. Passed
11-20-45 Pasteurized Milk. Vistalinda. Passed
11-20-45 Pasteurized Milk, Grade A. Wills Dairy. Passed
12- 4-45 Raw Milk to be pasteurized. Castle. Passed
12- 4-45 Raw Milk to be pasteurized. Osborne & March. High bacteria
12- 4-45 Raw Milk. Lyle & Cross. High bacteria
12- 4-45 Pasteurized Milk, Grade A. Marsh Dairy. Passed
12- 4-45 Pasteurized Milk, Grade A. Marsh Dairy. Under-pasteurized
12- 4-45 Milk to be pasteurized. Pruett. Passed
12- 4-45 Milk to be pasteurized. Rogers. Passed
12- 4-45 Milk to be pasteurized. Royslan Dairy. High bacteria
12- 4-45 Pasteurized Milk, Grade A. Vistalinda. Passed
12- 4-45 Pasteurized Milk, Grade A. Wills Dairy. Passed
12-12-45 Pasteurized Milk, Grade A. Marsh Dairy. High bacteria
12-12-45 Pasteurized Milk. Marsh Dairy. High bacteria

12-12-45 Pasteurized Milk, Grade A. Vistalinda. Passed
12-12-45 Pasteurized Milk, Grade A. Wills Dairy. Passed

CLAY COUNTY

4-23-45 Raw Milk. White Dairy. Passed
5-16-45 Raw Milk. White Dairy. Passed
9-24-45 Raw Milk. White Dairy. Passed
10- 8-45 Raw Milk. White Dairy. Passed
11-19-45 Raw Milk. White Dairy. Passed

EDMONSON COUNTY

9-17-45 Pasteurized Milk. Brown's, Bowling Green. Passed

FLEMING COUNTY

1-24-45 Raw Milk. Cannon. Passed
2-15-45 Raw Milk. Cannon. High bacteria
4-19-45 Raw Milk. Cannon. Passed
10- 4-45 Raw Milk. Cannon. Passed
11-27-45 Raw Milk. Cannon. Passed
7-12-45 Raw Milk. Caldwell. Passed
8- 1-45 Raw Milk. Caldwell. High bacteria
1-24-45 Raw Milk. C. Carpenter. High bacteria
2-15-45 Raw Milk. C. Carpenter. High bacteria. Low in butter fat
3-29-45 Raw Milk. C. Carpenter. High bacteria
4-19-45 Raw Milk. C. Carpenter. Low in butter fat
10- 4-45 Raw Milk. C. Carpenter. High bacteria
11-27-45 Raw Milk. C. Carpenter. High bacteria
1-24-45 Raw Milk. Ed Carpenter. High bacteria
2-15-45 Raw Milk. Ed Carpenter. High bacteria
3-29-45 Raw Milk. Ed Carpenter. Passed
4-19-45 Raw Milk. Ed Carpenter. High bacteria
10- 4-45 Raw Milk. Ed Carpenter. Passed
11-27-45 Raw Milk. Ed Carpenter. Passed
11-27-45 Raw Milk. Gene Carpenter. High bacteria
11-27-45 Raw Milk. John Collins. Passed
1-24-45 Raw Milk. Coyne. Passed
2-15-45 Raw Milk. Coyne. Passed
4-19-45 Raw Milk. Coyne. Passed

10- 4-45 Raw Milk. Coyne. Passed
11-27-45 Raw Milk. Coyne. Passed
1-24-45 Raw Milk. Glasscock. Passed
2-15-45 Raw Milk. Glasscock. Low in butter fat
3-29-45 Raw Milk. Glasscock. High bacteria
4-19-45 Raw Milk. Glasscock. Passed
5-14-45 Raw Milk. Glasscock. Passed
6- 7-45 Raw Milk. Glasscock. Passed
7-12-45 Raw Milk. Glasscock. Passed
8- 1-45 Raw Milk. Glasscock. High bacteria
9- 4-45 Raw Milk. Glasscock. Passed
10- 4-45 Raw Milk. Glasscock. Passed
11-27-45 Raw Milk. Glasscock. Passed
1-24-45 Raw Milk. Henson. Passed
2-15-45 Raw Milk. Henson. High bacteria
3-29-45 Raw Milk. Henson. High bacteria
4-19-45 Raw Milk. Henson. Passed
10- 4-45 Raw Milk. Henson. Passed
11-27-45 Raw Milk. Henson. Passed
1-24-45 Raw Milk. Rogers. High bacteria
3-29-45 Raw Milk. Rogers. High bacteria
4-19-45 Raw Milk. Rogers. Passed
6-14-45 Raw Milk. Rogers. Passed
6- 7-45 Raw Milk. Rogers. Passed
7-12-45 Raw Milk. Rogers. Passed
8- 1-45 Raw Milk. Rogers. High bacteria
9- 4-45 Raw Milk. Rogers. Passed
10- 4-45 Raw Milk. Rogers. Passed
11-27-45 Raw Milk. Rogers. Passed
1-24-45 Raw Milk. Simon. Passed
2-15-45 Raw Milk. Simon. Passed
3-19-45 Raw Milk. Simon. High bacteria
4-19-45 Raw Milk. Simon. Passed
5-14-45 Raw Milk. Simon. Passed
5- 7-45 Raw Milk. Simon. Passed
7-12-45 Raw Milk. Simon. Passed
8- 1-45 Raw Milk. Simon. High bacteria
9- 4-45 Raw Milk. Simon. High bacteria
10- 4-45 Raw Milk. Simon. High bacteria
11-27-45 Raw Milk. Simon. Passed

10- 4-45 Raw Milk. Stokely. Watered
11-27-45 Raw Milk. Smith. High bacteria
1-24-45 Raw Milk. Taylor. Passed
2-15-45 Raw Milk. Taylor. Passed
3-29-45 Raw Milk. Taylor. Passed
6-14-45 Raw Milk. Taylor. Passed
4-19-45 Raw Milk. Walnut Grove. Passed

FRANKLIN COUNTY

The following cream samples were collected for examination, under an order from the W.F.A.

2-21-45 Pasteurized Cream, cereal. H. B. Milk Company. Underpasteurized
2-21-45 Pasteurized Cream, cereal. H. B. Milk Company. Passed
2-21-45 Raw Cream (2 samples). Fleetwood Dairy. Passed
3- 8-45 Raw Cream, Grade A. Single. Riverview Farms. Passed
3- 8-45 Raw Cream. Fleetwood Dairy. Passed
3-10-45 Pasteurized Cream. H. B. Milk Company. Passed
3-10-45 Pasteurized Cream. H. B. Milk Company. Underpasteurized
2-15-45 Raw Milk. Bill Collins. Passed
3-14-45 Raw Milk. Bill Collins. High bacteria
4-18-45 Raw Milk. Bill Collins. Passed
5-15-45 Raw Milk. Bill Collins. Passed
7-10-45 Raw Milk. Bill Collins. Passed
8-21-45 Raw Milk. Bill Collins. Passed
9-24-45 Raw Milk. Bill Collins. High bacteria
10-24-45 Raw Milk. Bill Collins. Passed
2-15-45 Raw Milk. Fleetwood. Passed
3-14-45 Raw Milk. Fleetwood. High bacteria
4-18-45 Raw Milk. Fleetwood. Passed
4-15-45 Raw Milk. Fleetwood. High bacteria
7-10-45 Raw Milk. Fleetwood. High bacteria
8-21-45 Raw Milk. Fleetwood. High bacteria
9-24-45 Raw Milk. Fleetwood. High bacteria
10-24-45 Raw Milk. Fleetwood. High bacteria
2-15-45 Raw Milk. Goins. Passed

2-21-45 Raw Milk. Goins. Passed
4-14-45 Raw Milk. Goins. Passed
4-18-45 Raw Milk. Goins. Passed
5-15-45 Raw Milk. Goins. High bacteria
7-10-45 Raw Milk. Goins. High bacteria
8-21-45 Raw Milk. Goins. Passed
9-24-45 Raw Milk. Goins. High bacteria
10-24-45 Raw Milk. Goins. High bacteria
2-15-45 Pasteurized Milk. H. & B. Milk Co. High bacteria
3-14-45 Pasteurized Milk. H. & B. Milk Co. High bacteria
4-18-45 Pasteurized Milk. H. & B. Milk Co. Passed
5-15-45 Pasteurized Milk. H. & B. Milk Co. High bacteria
7-10-45 Pasteurized Milk. H. & B. Milk Co. High bacteria
8-21-45 Pasteurized Milk. H. & B. Milk Co. High bacteria
9-24-45 Pasteurized Milk. H. & B. Milk Co. High bacteria
10-24-45 Pasteurized Milk. H. & B. Milk Co. High bacteria
2-15-45 Raw Milk. E. Hulette. Passed
3-14-45 Raw Milk. E. Hulette. Passed
4-18-45 Raw Milk. E. Hulette. Passed
5-15-45 Raw Milk. E. Hulette. Passed
7-10-45 Raw Milk. E. Hulette. Passed
8-21-45 Raw Milk. E. Hulette. Passed
9-24-45 Raw Milk. E. Hulette. Passed
10-24-45 Raw Milk. E. Hulette. Passed
2-15-45 Raw Milk. G. C. Jessee. Passed
3-14-45 Raw Milk. G. C. Jessee. High bacteria
4-18-45 Raw Milk. G. C. Jessee. Passed
5-15-45 Raw Milk. G. C. Jessee. Passed
7-10-45 Raw Milk. G. C. Jessee. Passed
8-21 45 Raw Milk. G. C. Jessee. High bacteria
9-24-45 Raw Milk. G. C. Jessee. High bacteria
10-24-45 Raw Milk. G. C. Jessee. Passed
2-15-45 Raw Milk. Lewis Luckett. Passed
3-14-45 Raw Milk. Lewis Luckett. Passed
2- 8-45 Raw Milk. Lewis Luckett. Passed
5-15-45 Raw Milk. Lewis Luckett. Passed
7-10-45 Raw Milk. Lewis Luckett. High bacteria
2-15-45 Raw Milk. Long Bros. Passed
3-14-45 Raw Milk. Long Bros. Passed
4-18-45 Raw Milk. Long Bros. Passed

5-15-45 Raw Milk. Long Bros. Passed
7-10-45 Raw Milk. Long Bros. Passed
8-21-45 Raw Milk. Long Bros. High bacteria
9-24-45 Raw Milk. Long Bros. High bacteria
10-24-45 Raw Milk. Long Bros. High bacteria
8-21-45 Raw Milk. Lewis Luckett. Low in butter fat
9-24-45 Raw Milk. Lewis Luckett. Low in butter fat
10-24-45 Raw Milk. Lewis Luckett. Passed
2-21-45 Raw Milk. Ogburn Dairy. Passed
8-21-45 Raw Milk. Otho Penn. Passed
9-24-45 Raw Milk. Otho Penn. High bacteria
10-24-45 Raw Milk. Otho Penn. High bacteria
4-18-45 Raw Milk. Rogers & Penn. Passed
5-15-45 Raw Milk. Rogers & Penn. Passed
2-15-45 Raw Milk. Riverview Farms, Carrollton. Passed
2-15-14 Pasteurized Milk. Riverview Farms, Carrollton. Passed
2-21-45 Pasteurized Milk. Riverview Farms, Carrollton. High bacteria
2-21-45 Raw Milk. Riverview Farms, Carrollton. Passed
3-14-45 Raw Milk. Riverview Farms, Carrollton. High bacteria
3-14-45 Pasteurized Milk. Riverview Farms, Carrollton. High bacteria
4-18-45 Pasteurized Milk. Riverview Farms, Carrollton. Passed
4-18-45 Raw Milk. Riverview Farms, Carrollton. Passed
5-15-45 Raw Milk. Riverview Farms, Carrollton. High bacteria
5-15-45 Pasteurized Milk. Riverview Farms, Carrollton. High bacteria
7-10-45 Pasteurized Milk. Riverview Farms, Carrollton. Passed
7-10-45 Raw Milk. Riverview Farms, Carrollton. Passed
8-21-45 Raw Milk. Riverview Farms, Carrollton. Passed
8-21-45 Pasteurized Milk. Riverview Farms, Carrollton. High bacteria
9-24-45 Pasteurized Milk. Riverview Farms, Carrollton. High bacteria

9-24-45 Raw Milk. Riverview Farms, Carrollton. High bacteria
10-24-45 Raw Milk. Riverview Farms, Carrollton. High bacteria
10-24-45 Raw Milk. Riverview Farms, Carrollton. Underpasteurized
2-21-45 Raw Milk. Ward Dairy. High bacteria
3-14-45 Raw Milk. Jersey Dairy. Passed

FULTON COUNTY

3-26-45 Raw Milk. Cecil Burnette. High bacteria. Low in butter fat
8-20-45 Raw Milk. Cecil Burnette. High bacteria
9-19-45 Raw Milk. Cecil Burnette. Skimmed. High bacteria. Low in butter fat
10-17-45 Raw Milk to be pasteurized. Cecil Burnette. Watered
8-20-45 Raw Milk to be pasteurized. Clyde Burnette. High bacteria & temp.
9-19-45 Raw Milk to be pasteurized. Clyde Burnette. High temperature
5- 2-45 Raw Milk, Grade A. C. B. Caldwell. High temperature
5-16-45 Raw Milk, Grade A. C. B. Caldwell. High bacteria & temp.
9-12-45 Pasteurized Buttermilk. C. B. Caldwell. High temperature
5- 2-45 Raw Milk, Grade A. Paul DeMeyer. High temperature
5- 2-45 Raw Milk, Grade A. Paul DeMeyer. High temperature
9-12-45 Raw Milk, Grade A. Paul DeMeyer. Low in butter fat
10- 3-45 Raw Milk, Grade A. Paul DeMeyer. High temperature
10-30-45 Raw Milk, Grade A. Paul DeMeyer. High bacteria
5- 2-45 Raw Milk, Grade A. Drysdale. Passed
5-16-45 Raw Milk, Grade A. Drysdale. High temperature
9-12-45 Raw Milk, Grade A. Drysdale. High bacteria
10- 3-45 Raw Milk, Grade A. Drysdale. Skimmed
10-30-45 Raw Milk, Grade A. Drysdale. Watered

8-20-45 Milk to be pasteurized. J. England. High bacteria & temp.
10-17-45 Milk to be pasteurized. J. England. High temperature
10-17-45 Milk to be pasteurized. Farboroughth. Passed
3-26-45 Pasteurized Milk. Fulton Pure Milk Co. High temperature
8-20-45 Pasteurized Milk. Fulton Pure Milk Co. High temperature
9-12-45 Pasteurized Milk. Fulton Pure Milk Co. High temperature
9-19-45 Pasteurized Milk. Fulton Pure Milk Co. Passed
10- 3-45 Pasteurized Milk. Fulton Pure Milk Co. Passed
10- 3-45 Pasteurized Milk. Fulton Pure Milk Co. High bacteria & temp.
10-30-45 Pasteurized Milk. Fulton Pure Milk Co. Passed
10-30-45 Pasteurized Milk. Fulton Pure Milk Co. Passed
5- 2-45 Raw Milk, Grade A. Houston Brothers. Passed
5-16-45 Raw Milk, Grade A. Houston Brothers. High bacteria & temp.
9-12-45 Raw Milk, Grade A. Houston Brothers. Passed
10- 3-45 Raw Milk, Grade A. Houston Brothers. High bacteria & temp. Skimmed
10-30-45 Raw Milk, Grade A. Houston Brothers. High bacteria & temp.
5- 2-45 Raw Milk, Grade A. H. B. Houston. High bacteria & temp.
5-16-45 Raw Milk, Grade A. H. B. Houston. High temperature
9-12-45 Raw Milk, Grade A. H. B. Houston. Passed
10- 3-45 Raw Milk, Grade A. H. B. Houston. Passed
10-30-45 Raw Milk, Grade A. H. B. Houston. High temperature
8-20-45 Milk to be pasteurized. Huddleston. Passed
9-19-45 Milk to be pasteurized. Huddleston. High bacteria
10-17-45 Milk to be pasturized. Huddleston. Passed
3-26-45 Milk to be pasteurized. D. Johnson. Passed
10-17-45 Milk to be pasteurized. D. Johnson. Passed
3-26-45 Raw Milk. J. O. Johnson, Passed

5- 2-45 Raw Milk, Grade A. Tom Jolley. High bacteria & temp.
5-16-45 Raw Milk, Grade A. Tom Jolley. High bacteria & temp.
9-12-45 Raw Milk, Grade A. Tom Jolley. High bacteria
10- 3-45 Raw Milk, Grade A. Tom Jolley. High temperature
10-30-45 Raw Milk, Grade A. Tom Jolley. High bacteria & temp.
3-26-45 Raw Milk, Grade A. John Lattus. High bacteria
5- 2-45 Raw Milk, Grade A. John Lattus. High temperature
5-16-45 Raw Milk, Grade A. John Lattus. High bacteria & temp.
3-26-45 Raw Milk. Roy Moss. High bacteria & temp.
8-20-45 Raw Milk. Roy Moss. Passed
9-19-45 Milk to be pasteurized. Roy Moss. Passed
10-17-45 Milk to be pasteurized. Roy Moss. Passed
10-17-45 Milk to be pasteurized. Roy Moss. Watered
9-19-45 Milk to be pasteurized. J. B. Moss. Watered
5- 2-45 Raw Milk, Grade A. Lee Reeves. High bacteria & temp.
5-16-45 Raw Milk, Grade A. Lee Reeves. High bacteria & temp.
9-12-45 Raw Milk, Grade A. Lee Reeves. High bacteria
10- 3-45 Raw Milk, Grade A. Lee Reeves. High temperature
10-30-45 Raw Milk, Grade A. Lee Reeves. High temperature
8-20-45 Raw Milk. H. Sams. High temperature
3-26-45 Raw Milk. Joe Sellers. High bacteria & temp.
10-17-45 Milk to be pasteurized. Slayden. High bacteria & temp.
3-26-45 Milk to be pasteurized. Patron No. T-49. High bacteria & temp.
8-20-45 Milk to be pasteurized. L. Walker. High temperature
9-19-45 Milk to be pasteurized. L. Walker. High bacteria
9-20-45 Milk to be pasteurized. P. Wright. High bacteria & temp.
10-17-45 Milk to be pasteurized. P. Wright. High bacteria. Watered

GRANT COUNTY

5- 8-45 Raw Milk. Brewer Dairy. Passed
10-16-45 Raw Milk. Brewer Dairy. High bacteria
10-25-45 Raw Milk. Brewer Dairy. Passed
6-27-45 Raw Milk. C. Colford. Passed
5- 8-45 Raw Milk, Grade A. Greene Acres. Passed
10-25-45 Raw Milk, Grade A. Greene Acres. Low in fat. High bacteria
7-31-45 Raw Milk. L. K. Chileders. High bacteria
6- 8-45 Raw Milk. Ottis Kells. Passed
6- 8-45 Raw Milk (2 samples). Stewart's. Passed
7-31-45 Raw Milk. Stewart's. Low in butter fat
8-30-45 Raw Milk. Stewart's. Low in butter fat
6- 8-45 Raw Milk. Taylor & Pettit. High bacteria
6-27-45 Raw Milk. Wilbur Woodyard. Passed
10-25-45 Raw Milk. Wilbur Woodyard. Passed

GRAVES COUNTY

4- 4-45 Pasteurized Milk, Grade A. Truly Pure Dairy. Low in butter fat
4- 4-45 Pasteurized Milk, Grade A. Cloverleaf Dairy. Low in butter fat

GRAYSON COUNTY

2-15-45 Raw Milk. Basham. Low in butter fat
3-21-45 Raw Milk. Basham. High bacteria
4-29-45 Raw Milk. Basham. High bacteria
5-28-45 Raw Milk. Basham. Passed
6-25-45 Raw Milk. Basham. High bacteria
7- 9-45 Raw Milk. Basham. High bacteria
9-12-45 Raw Milk. Basham. High bacteria
10-17-45 Raw Milk. Basham. Passed
2-15-45 Raw Milk. Bratcher. Passed
3-21-45 Raw Milk. Bratcher. High bacteria
4-29-45 Raw Milk. Bratcher. Passed
5-28-45 Raw Milk. Bratcher. Passed
6-25-45 Raw Milk. Bratcher. High bacteria
7- 9-45 Raw Milk. Bratcher. High bacteria
10-17-45 Raw Milk. Bratcher. Passed

2-15-45 Raw Milk. Coltner. Passed
3-21-45 Raw Milk. Coltner. High bacteria
4-29-45 Raw Milk. Coltner. High bacteria
5-28-45 Raw Milk. Coltner. Passed
7- 9-45 Raw Milk. Coltner. High bacteria
10-17-45 Raw Milk. Coltner. Passed
2-15-45 Raw Milk. Crozier. Passed
3-21-45 Raw Milk. Crozier. High bacteria
4-29-45 Raw Milk. Crozier. High bacteria
5-28-45 Raw Milk. Crozier. Low in butter fat
7- 9-45 Raw Milk. Crozier. High bacteria
10-17-45 Raw Milk. Embry. Passed
2-15-45 Raw Milk. Felix. Low in butter fat
4-29-45 Raw Milk. Felix. High bacteria
5-28-45 Raw Milk. Felix. Passed
7- 9-45 Raw Milk. Felix. High bacteria
9-12-45 Raw Milk. Felix. High bacteria
2-15-45 Raw Milk. Hodge. Passed
3-21-45 Raw Milk. Hodge. Passed
4-29-45 Raw Milk. Hodge. High bacteria
5-28-45 Raw Milk. Hodge. Passed
7- 9-45 Raw Milk. Hodge. Low in butter fat
9-12-45 Raw Milk. Hodge. Passed
10-17-45 Raw Milk. Hodge. High bacteria
2-15-45 Raw Milk. Howard Lee. Low in butter fat
2-15-45 Raw Milk. Lee No. 1. Low in butter fat
3-21-45 Raw Milk. Lee No. 1. Passed
4-29-45 Raw Milk. Lee No. 1. Low in butter fat
5-28-45 Raw Milk. Lee No. 1. Passed
7- 9-45 Raw Milk. Lee No. 1. Low in butter fat
9-12-45 Raw Milk. Lee No. 1. Low in butter fat
3-21-45 Raw Milk. Lee No. 2. Passed
4-29-45 Raw Milk. Lee No. 2. Low in butter fat
5-28-45 Raw Milk. Lee No. 2. Passed
9-12-45 Raw Milk. Lee No. 2. Low in butter fat
10-17-45 Raw Milk. Lee No. 2. Passed
2-15-45 Pasteurized Milk. Lee's Dairy. Passed
3-21-45 Pasteurized Milk. Lee's Dairy. High bacteria
4-29-45 Pasteurized Milk. Lee's Dairy. Passed
5-28-45 Pasteurized Milk. Lee's Dairy. Passed

6-25-45 Pasteurized Milk. Lee's Dairy. High bacteria
9-12-45 Pasteurized Milk. Lee's Dairy. Passed
10-17-45 Pasteurized Milk. Lee's Dairy. Passed
10-17-45 Raw Milk. Nash. Passed
7- 9-45 Raw Milk. Newton. Passed
3-21-45 Raw Milk. Patterson. High bacteria. Low in fat
2-15-45 Raw Milk. Herman Pryor. Passed
3-21-45 Raw Milk. Herman Pryor. High bacteria
4-29-45 Raw Milk. Herman Pryor. High bacteria
5-28-45 Raw Milk. Herman Pryor. Passed
7- 9-45 Raw Milk. Herman Pryor. High bacteria
10-17-45 Raw Milk. Herman Pryor. High bacteria
2-15-45 Raw Milk. Homer Pryor. Passed
3-21-45 Raw Milk. Homer Pryor High bacteria
4-29-45 Raw Milk. Homer Pryor. High bacteria
5-28-45 Raw Milk. Homer Pryor. Passed
7- 9-45 Raw Milk. Homer Pryor. High bacteria
9-12-45 Raw Milk. Homer Pryor. High bacteria
10-17-45 Raw Milk. Homer Pryor. High bacteria

HARDIN COUNTY

4-16-45 Raw Milk, Grade A. Clark & Hagan. High bacteria
5- 7-45 Raw Milk, Grade A. Clark & Hagan. Passed
5-28-45 Raw Milk, Grade A. Clark & Hagan. Passed
7-18-45 Raw Milk, Grade A. Clark & Hagan. Low in butter fat
1-17-45 Pasteurized Milk, Grade A. Fenley's, Louisville. Passed
4-16-45 Pasteurized Milk, Grade A. Fenley's, Louisville. Passed
5- 9-45 Pasteurized Milk, Grade A. Fenley's, Louisville. Passed
5-28-45 Pasteurized Milk, Grade A. Fenley's, Louisville. High bacteria
7-18-45 Pasteurized Milk, Grade A. Fenley's, Louisville. High bacteria
10- 3-45 Pasteurized Milk, Grade A. Fenley's, Louisville. High bacteria
1-17-45 Raw Milk, Grade A. Furries Dairy. High bacteria

5- 7-45 Raw Milk, Grade A. Furries Dairy. High bacteria Low in butter fat
5-28-45 Raw Milk, Grade A. Furries Dairy. High bacteria Low in butter fat
7-18-45 Raw Milk, Grade A. Furries Dairy. High bacteria
10- 3-45 Raw Milk, Grade A. Furries Dairy. High bacteria
1-17-45 Pasteurized Milk, Grade A. Lee Dairy, Leitchfield. High bacteria
4-16-45 Pasteurized Milk, Grade A. Lee Dairy, Leitchfield. High bacteria
4-16-45 Pasteurized Milk, Grade A. Lee Dairy, Leitchfield. High bacteria. Underpasteurized
5- 7-45 Pasteurized Milk, Grade A. Lee Dairy, Leitchfield. Passed
5-28-45 Pasteurized Milk, Grade A. Lee Dairy, Leitchfield. High bacteria
7-18-45 Pasteurized Milk, Grade A. Lee Dairy, Leitchfield. Passed
7-18-45 Pasteurized Milk, Grade A. Lee Dairy, Leitchfield. High bacteria. Low in butter fat
7-18-45 Chocolate Milk. Lee Dairy, Leitchfield. Passed
10- 3-45 Pasteurized Milk, Grade A. Lee Dairy, Leitchfield. High bacteria
10- 3-45 Chocolate Milk. Lee Dairy, Leitchfield. High bacteria

HARLAN COUNTY

1-23-45 Pasteurized Milk. Chappell Dairy. Underpasteurized. High bacteria
1-23-45 Raw Milk. Howard Dairy. Passed
1-23-45 Raw Milk. Kelleys Dairy. Passed
1-23-45 Raw Milk. Smith's Dairy. Low in butter fat
1-23-45 Raw Milk. Smith & Smith. Passed
1-23-45 Raw Milk. Walford's Dairy. Passed
1-23-45 Raw Milk. Wheeler Dairy. High bacteria
1-23-45 Pasteurized Milk. Jersey Dairy. Underpasteurized
2- 6-45 Pasteurized Milk, Grade A. Chappell's Dairy. High bacteria
2- 6-45 Raw Milk. Hillcrest. Low in butter fat
2- 6-45 Pasteurized Milk. Jersey Dairy. High bacteria

2- 6-45 Raw Milk. Isom Jones. Passed
2- 6-45 Raw Milk. Landrum. High bacteria
2- 6-45 Pasteurized Milk. Pet Dairy, W. Va. Passed
2- 6-45 Pasteurized Milk. Southern Main, W. Va. High bacteria
2- 6-45 Raw Milk. Wheeler Dairy. Passed
3-14-45 Pasteurized Milk. Chappell's Dairy. High bacteria
3-14-45 Raw Milk. W. F. Howard. Passed
3-14-45 Pasteurized Milk. Jersey Dairy. Passed
3-14-45 Raw Milk. Jones. Passed
3-14-45 Raw Milk. Kelly. Passed
3-14-45 Raw Milk. Smith Dairy. Low in butter fat
3-14-45 Raw Milk. Smith & Smith. Low in butter fat
3-14-45 Raw Milk. Wheeler. Passed
3-14-45 Raw Milk. Wolford Dairy. High in bacteria. Low in butter fat
3-22-45 Raw Milk. W. S. Cox. High bacteria
3-22-45 Raw Milk. Pearl Gilbert. High bacteria
3-22-45 Raw Milk. Ray Gilbert. High bacteria
3-22-45 Raw Milk. H. H. Reasor. High bacteria
3-22-45 Raw Milk. R. M. Rosie. High bacteria
3-22-45 Raw Milk. Sunrise Dairy. High bacteria. Low in butter fat. Watered
4-26-45 Pasteurized Milk, Grade A. Chappell's. Passed
4-26-45 Raw Milk. Howard Dairy. Passed
4-26-45 Pasteurized Milk. Jersey Dairy. High bacteria. Underpasteurized
4-26-45 Raw Milk. Jones. High bacteria
4-26-45 Raw Milk. Wheeler. Passed
6- 5-45 Pasteurized Milk. Chappell's. High bacteria
6- 5-45 Raw Milk. Hill Crest. Passed
6- 5-45 Raw Milk. Howard Dairy. Passed
6- 5-45 Pasteurized Milk. Jersey Dairy. High bacteria. Underpasteurized. Watered
6- 5-45 Raw Milk. Jones. High bacteria
6- 5-45 Raw Milk. Landrum. Passed
6- 5-45 Pasteurized Milk. Pet Dairy, W. Va. Passed
6- 5-45 Raw Milk. Smith Dairy. Low in butter fat
6- 5-45 Raw Milk. Smith & Smith. High bacteria

6- 5-45 Pasteurized Milk, Grade A. Southern Maid. High bacteria. Watered
6- 5-45 Raw Milk. Wheeler. High bacteria
6-12-45 Raw Milk. Arnold Dairy. High bacteria
6-12-45 Raw Milk. J. A. Carroll. High bacteria
6-12-45 Raw Milk. Conley Dairy. High bacteria. Watered
6-12-45 Raw Milk. Harm Dairy. High bacteria
6-12-45 Raw Milk. Hillcrest Dairy. High bacteria
6-12-45 Raw Milk. J. H. Holmes. High bacteria
6-12-45 Raw Milk. Hugf Farm. High bacteria
6-12-45 Raw Milk. J. Lytle. High bacteria
6-12-45 Raw Milk. Myer's Dairy. High bacteria
6-12-45 Raw Milk. Pope Dairy. High bacteria
6-12-45 Raw Milk. J. M. Purciful. High bacteria. Low in butter fat. Watered
6-12-45 Raw Milk. Snodgrass. High bacteria
6-12-45 Raw Milk. Ward. High bacteria
6-12-45 Raw Milk. J. A. Wolf. High bacteria
7- 6-45 Pasteurized Milk, Grade A. Chappell's Dairy. High bacteria
7- 6-45 Raw Milk, Grade A. Hillcrest. High bacteria. Low in butter fat
7- 6-45 Raw Milk. Isom Jones. High bacteria
7- 6-45 Raw Milk. Landrum Dairy. High bacteria
7- 6-45 Raw Milk. Perciful. High bacteria
7- 6-45 Pasteurized Milk, Grade A. Pineville Milk Co. High bacteria. Underpasturized
8-30-45 Pasteurized Milk (2 samples). Jersey Dairy. Passed
9-18-45 Milk to be pasteurized. Mary Adams. Passed
(all plant shippers) Arnold. High bacteria
Caroll. Passed
M. Coeburn. Low in butter fat
D. Comley. High bacteria
Cook. Passed
C. Gates. High bacteria
Holmes. High bacteria
J. Little. High bacteria
C. Little. Passed

R. Lucas. High bacteria
E. Myers. Passed
E. O. Roberts. Passed
E. L. Scroggs. Passed
J. Snodgrass. Passed
Stedham. High bacteria
Supton. Passed
Wolfe. Passed
Woodward. Passed

9-21-45 Raw Milk (2 samples). Beechwood Dairy. High temperature

HARRISON COUNTY

1-24-45 Pasteurized Milk, Grade A. Bluegrass Dairy. High temperature
1-24-45 Raw Milk. Joe Hayes. Passed
1-24-45 Raw Milk. W. L. Penn. Passed
1-24-45 Raw Milk, Grade A. Townsend Creek. Passed
4- 9-45 Pasteurized Milk. Bluegrass Dairy. High bacteria
4- 9-45 Raw Milk. Joe Hayes. Passed
4- 9-45 Raw Milk. W. L. Penn. High bacteria
4- 9-45 Raw Milk. D. Stokely. Passed
4- 9-45 Raw Milk. Townsend Creek. Passed
4- 9-45 Raw Milk. C. Woods. High bacteria
5-14-45 Raw Milk. Henry Burke. High bacteria
5-14-45 Raw Milk. L. T. Bradford. High bacteria
5-14-45 Raw Milk. A. Calhoun. High bacteria
5-14-45 Raw Milk. W. T. Ecklar. High bacteria
5-14-45 Raw Milk. C. B. Fritz. High bacteria
5-14-45 Raw Milk. O. T. Hill. High bacteria
5-14-45 Raw Milk. Gus Lang. High bacteria
5-14-45 Raw Milk. K. Maddox. High bacteria
5-14-45 Raw Milk. Charles Mason. Passed
5-14-45 Raw Milk. E. B. Midden. High bacteria
7-16-45 Pasteurized Milk. Bluegrass Dairy. High bacteria
7-16-45 Raw Milk. W. Gorham. Low in butter fat
7-16-45 Raw Milk. W. Penn. High bacteria
7-16-45 Raw Milk. Townsend Valley. Passed
7-16-45 Raw Milk. D. Stokely. Passed

7-16-45 Raw Milk. Charles Woods. High bacteria
8- 7-45 Pasteurized Milk. Bluegrass Dairy. High temperature
8- 7-45 Raw Milk. W. Gorham. High temperature
8- 7-45 Raw Milk. O. Lebus. Skimmed. High temperature
8- 7-45 Pasteurized Milk. Kroger, Cincinnati. High temperature
8- 7-45 Raw Milk. Townsend Valley. High temperature
8-29-45 Pasteurized Milk. Bluegrass Dairy. High bacteria
8-29-45 Raw Milk. O. Lebus. High bacteria
8-29-45 Raw Milk. W. R. Penn. High bacteria
8-29-45 Raw Milk. George Rose. High bacteria
8-29-45 Raw Milk. Townsend Valley. Passed
10- 4-45 Pasteurized Milk. Bluegrass Dairy. High bacteria
10- 4-45 Raw Milk. Hayes Dairy. Passed
10- 4-45 Raw Milk. Rose Dairy. High bacteria
10- 4-45 Raw Milk. Stokely Dairy. High bacteria
10- 4-45 Raw Milk. Townsend Dairy. Passed

HART COUNTY

4-29-45 Raw Milk. Clark Dairy. Passed
9-17-45 Raw Milk. Clark Dairy. Passed
11-19-45 Raw Milk. Clark Dairy. High bacteria
Pasteurized Milk. Borders, Bowling Green. Passed
9-12-45 Pasteurized Milk. Borders, Bowling Green. High bacteria
11-19-45 Pasteurized Milk. Brown, Bowling Green. High bacteria
9-12-45 Pasteurized Milk. Brown, Glasgow. High bacteria
11-19-45 Pasteurized Milk. Brown, Glasgow. High bacteria Underpasturized
3-21-45 Raw Milk. Goodman. Passed
9-17-45 Raw Milk. Goodman. High bacteria
11-19-45 Pasteurized Milk. Lee Dairy, Leitchfield. Passed

JEFFERSON COUNTY

The following cream samples were taken for determination of butter fat content by fieldmen from the W.F.A. Legal butter fat content in Kentucky is 18.

11- 8-45 Cream. Blue Valley Creamery. Passed
3- 6-45 Cream, Grade A Paseurized, Single. Brawand Dairy, Passed
2-21-45 Cream, Grade A Pasteurized, Single. Cherokee Sanitary Milk. Low in fat
2-28-45 Cream, Grade A Pasteurized, Single. Cherokee Sanitary Milk. Low in fat
2-22-45 Cream, Grade A Pasteurized, Single. Cream Top Creamery. Passed
2-28-45 Single Cream, Grade A Pasteurized. Cream Top Creamery. Low in fat
2-22-45 Single Cream, Grade A Pasteurized. Oscar Ewing. Passed
2-22-45 Single Cream, Grade A Pasteurized. Ewing-Von Allmen. Passed
2-22-45 Single Cream, Grade A Pasteurized. Fenley's Dairy. Passed
3- 5-45 Single Cream, Grade A Pasteurized. Fenley's Dairy. Passed
3-13-45 Single Cream, Grade A Pasteurized. Boyd Gudgel. Passed
3-13-45 Single Cream, Grade A Pasteurized. Boyd Gudgel. Deficient fat
2-22-45 Single Cream, Grade A Pasteurized. Hy-Grade Dairy. Passed
2-22-45 Single Cream, Grade A Pasteurized (2 samples). Hy-Grade Dairy. Deficient
3- 9-45 Single Cream, Grade A Pasteurized (2 samples). Kentucky Acres. Deficient
2-22-45 Single Cream, Grade A Pasteurized (2 samples). Kentucky Dairies. Deficient
2-22-45 Single Cream, Grade A Pasteurized (2 samples). Mellwood Dairy. Deficient
2-22-45 Single Cream, Grade A Pasteurized (2 samples). Model Farms. Passed
3- 6-45 Single Cream, Grade A Pasteurized (2 samples). Model Farms. Passed
3-13-45 Single Cream, Grade A Pasteurized (2 samples). Model Farms. Passed

3- 6-45 Single Cream, Grade A Pasteurized (2 samples). Oehrle Dairy. Passed
2-22-45 Single Cream, Grade A Pasteurized (2 samples). Perkins & Son. Passed
2-22-45 Single Cream, Grade A Pasteurized (2 samples). Plainview Farms. Deficient
11- 8-45 Single Cream, Grade A Pasteurized (2 samples). Sugar Creek. Passed
2-22-45 Single Cream, Grade A Pasteurized (2 samples). Von Allmen Bros. Passed
3- 4-45 Single Cream, Grade A Pasteurized (2 samples). Von Allmen Bros. Passed
2-22-45 Single Cream, Grade A Pasteurized (2 samples). Walnut Grove. Passed
3- 5-45 Single Cream, Grade A Pasteurized (2 samples). Walnut Grove. Passed
3- 6-45 Single Cream, Grade A Pasteurized (2 samples). Zehnder Bros. Passed
3- 6-45 Single Cream, Grade A Pasteurized (2 samples). Zehnder Bros. Deficient
11-23-45 Pasteurized Milk. Ormsby Village. Passed
11-26-45 Pasteurized Milk. Ormsby Village. Passed

JOHNSON COUNTY

2-27-45 Raw Milk. Big Sandy Dairy. Passed
2-27-45 Raw Milk. Davis Dairy. High bacteria
2-27-45 Pasteurized Milk. Guyan, W. Va. High bacteria
2-27-45 Raw Milk. Gardner. High bacteria
2-27-45 Raw Milk. May Dairy. Passed
2-27-45 Raw Milk. Rice Brothers. High bacteria
2-27-45 Raw Milk. Robinson. Passed
5-18-45 Milk to be pasteurized (4 samples). Patron. Low in fat

LAWRENCE COUNTY

1-15-45 Raw Milk. Blankenship. Passed
1-15-45 Raw Milk. Dennis Dairy. Passed
1-31-45 Raw Milk. Dennis Dairy. Passed
2-22-45 Raw Milk. Dyers Dairy. Passed

1-15-45 Raw Milk. Fyffe Dairy. Passed
1-31-45 Raw Milk. Fyffe Dairy. Passed
12-10-45 Raw Milk. Fyffe Dairy. Passed
1-15-45 Pasteurized Milk. Guyan's Dairy. High bacteria
1-15-45 Raw Milk. Maddy Dairy. Passed
2-22-45 Raw Milk. Maddy Dairy. High bacteria
12-10-45 Raw Milk (2 samples). Maddy Dairy. High bacteria
1-15-45 Raw Milk. Meeks Dairy. High bacteria
2-22-45 Raw Milk. Meeks Dairy. High bacteria
12-10-45 Raw Milk. Meeks Dairy. High bacteria
1-15-45 Raw Milk. Moore Dairy. Passed
1-31-45 Raw Milk. Moore Dairy. Passed
2-22-45 Raw Milk. Moore Dairy. Passed
12-10-45 Raw Milk. Moore Dairy. Passed
12-10-45 Raw Milk. Ruth-Ross Dairy. High bacteria
12-10-45 Raw Milk. See Farm. High bacteria
1-15-45 Raw Milk. John Wilson Farm. Passed
2-22-45 Raw Milk. John Wilson Farm. Passed
12-10-45 Raw Milk. John Wilson Farm. Passed
1-15-45 Raw Milk. Wilson Dairy. High bacteria
1-31-45 Raw Milk. Wilson Dairy. Passed
2-22-45 Raw Milk. Wilson Dairy. Passed
12-10-45 Raw Milk. Wilson Dairy. Passed

LINCOLN COUNTY.

11-26-45 Raw Milk (morning sample). Atwood & Adams. Watered
11-26-45 Raw Milk (night sample). Atwood & Adams. Watered
1-24-45 Raw Milk. Morrison Bright. High bacteria
1-24-45 Raw Milk. Elza Brock. Passed
3-29-45 Raw Milk (morning sample). Elza Brock. High bacteria
3-29-45 Raw Milk (night sample). Elza Brock. High bacteria
5-21-45 Raw Milk (night sample). Elza Brock. High bacteria
5-21-45 Raw Milk (morning sample). Elza Brock. High bacteria

6-25-45 Raw Milk (morning sample). Elza Brock. Passed
6-25-45 Raw Milk (night sample). Elza Brock. High bacteria
7-16-45 Raw Milk (night sample). Elza Brock. High bacteria
7-16-45 Raw Milk (morning sample). Elza Brock. Passed
8-13-45 Raw Milk (morning sample). Elza Brock. High bacteria
8-13-45 Raw Milk (night sample). Elza Brock. High bacteria
9-18-45 Raw Milk (night sample). Elza Brock. High bacteria
9-18-45 Raw Milk (morning sample). Elza Brock. High bacteria
10-23-45 Raw Milk (morning sample). Elza Brock. Passed
10-23-45 Raw Milk (night sample). Elza Brock. High bacteria
11-19-45 Raw Milk (night sample). Elza Brock. Higc bacteria
11-19-45 Raw Milk (morning sample). Elza Brock. High bacteria
5-21-45 Raw Milk (night). Henry Baughman. High bacteria
5-21-45 Raw Milk (morning). Henry Baughman. High bacteria
6-25-45 Raw Milk (morning). Henry Baughman. High bacteria
6-25-45 Raw Milk (morning). Henry Baughman. High bacteria
7-16-45 Raw Milk (morning). Henry Baughman. High bacteria
7-16-45 Raw Milk (night). Henry Baughman. High bacteria
8-13-45 Raw Milk (morning sample). Henry Baughman. High bacteria
8-13-45 Raw Milk (night). Henry Baughman. High bacteria
9-18-45 Raw Milk (night). Henry Baughman. High bacteria

9-18-45 Raw Milk (morning). Henry Baughman. High bacteria
10-23-45 Raw Milk (morning). Henry Baughman. High bacteria
10-23-45 Raw Milk (night). Henry Baughman. High bacteria
11-19-45 Raw Milk (night). Henry Baughman. High bacteria
11-19-45 Raw Milk (morning). Henry Baughman. High bacteria
6-13-45 Raw Milk (morning). O. C. Buchanan. High bacteria
6-13-45 Raw Milk (night). O. C. Buchanan. Passed
8-13-45 Raw Milk (night). O. C. Buchanan. Passed
8-13-45 Raw Milk (morning). O. C. Buchanan. Passed
10- 9-45 Raw Milk (morning). O. C. Buchanan. High bacteria
10- 9-45 Raw Milk (night). O. C. Buchanan. High bacteria
11-26-45 Raw Milk (night). O. C. Buchanan. High bacteria
11-26-45 Raw Milk (morning). O. C. Buchanan. Passed
1-24-45 Raw Milk (morning). Denny Cullop. High bacteria
1-24-45 Raw Milk (night). Denny Cullop. High bacteria
3-29-45 Raw Milk (night). Denny Cullop. High bacteria
3-29-45 Raw Milk (morning). Denny Cullop. High bacteria
5-21-45 Raw Milk (night). Denny Cullop. High bacteria
5-21-45 Raw Milk (morning). Denny Cullop. High bacteria
6-25-45 Raw Milk (morning). Denny Cullop. Passed
6-25-45 Raw Milk (night). Denny Cullop. High bacteria
7-16-45 Raw Milk (night). Denny Cullop. High bacteria
7-16-45 Raw Milk (morning). Denny Cullop. High bacteria
8-13-45 Raw Milk (morning). Denny Cullop. High bacteria
8-13-45 Raw Milk (night). Denny Cullop. High bacteria
9-18-45 Raw Milk (morning). Denny Cullop. Passed
9-18-45 Raw Milk (night). Denny Cullop. High bacteria
10-23-45 Raw Milk (morning). Denny Cullop. High bacteria
10-23-45 Raw Milk (night). Denny Cullop. High bacteria
11-19-45 Raw Milk (morning). Denny Cullop. Passed
11-19-45 Raw Milk (night). Denny Cullop. High bacteria
7-16-45 Raw Milk (night). G. M. Dishon. High bacteria

5-21-45 Raw Milk. Dunn Dairy. High bacteria
6-13-45 Raw Milk (morning). Dunn Dairy. Passed
6-13-45 Raw Milk (night). Dunn Dairy. Passed
8-13-45 Raw Milk (morning). Dunn Dairy. High bacteria
8-13-45 Raw Milk (night). Dunn Dairy. Passed
10- 9-45 Raw Milk (morning). Dunn Dairy. High bacteria
10- 9-45 Raw Milk (night). Dunn Dairy. High bactreia
11-26-45 Raw Milk (morning). Dunn Dairy. Passed
11-26-45 Raw Milk (night). Dunn Dairy. Passed
3-29-45 Raw Milk (morning). Woods Gover. High bacteria
3-29-45 Raw Milk (night). Woods Gover. High bacteria
5-21-45 Raw Milk (morning). Woods Gover. High bacteria
5-21-45 Raw Milk (night). Woods Gover. High bacteria
6-25-45 Raw Milk (morning). Woods Gover. High bacteria
6-25-45 Raw Milk (night). Woods Gover. High bacteria
7-16-45 Raw Milk (morning). Woods Gover. High bacteria
7-16-45 Raw Milk (night). Woods Gover. High bacteria
8-13-45 Raw Milk (morning). Woods Gover. High bacteria
8-13-45 Raw Milk (night). Woods Gover. High bacteria
9-18-45 Raw Milk (morning). Woods Gover. High bacteria
9-18-45 Raw Milk (night). Woods Gover. High bacteria
10-23-45 Raw Milk (morning). Woods Gover. High bacteria
10-23-45 Raw Milk (night). Woods Gover. High bacteria
11-19-45 Raw Milk (morning). Woods Gover. High bacteria
11-19-45 Raw Milk (night). Woods Gover. High bacteria
6-13-45 Raw Milk (morning). Griffin & Patton. High bacteria
6-13-45 Raw Milk (night). Griffin & Patton. High bacteria
10- 9-45 Raw Milk (morning). J. C. Grubbs. Passed
10- 9-45 Raw Milk (night). J. C. Grubbs. High bacteria
11-26-45 Raw Milk (morning). J. C. Grubbs. Passed
11-26-45 Raw Milk (night). J. C. Grubbs. High bacteria
1-24-45 Raw Milk. W. M. Harmon. High bacteria
8-13-45 Raw Milk (morning). Jim King. High bacteria
8-13-45 Raw Milk (night). Jim King. High bacteria
8-13-45 Raw Milk (morning). G. Lawrence. Watered; high bacteria
8-13-45 Raw Milk (night). G. Lawrence. Watered; high bacteria
9-18-45 Raw Milk (morning). G. Lawrence. High bacteria

9-18-45 Raw Milk (night). G. Lawrence. High bacteria
10-23-45 Raw Milk (morning). G. Lawrence. High bacteria
10-23-45 Raw Milk (night). G. Lawrence. High bacteria
3-29-45 Raw Milk. Logan Jersey Farm. High bacteria
6-13-45 Raw Milk (night). Dan Long. High bacteria
1-24-45 Raw Milk. Henry Miracle. High bacteria
3-29-45 Raw Milk (morning). Henry Miracle. High bacteria
3-29-45 Raw Milk (night). Henry Miracle. High bacteria
10-23-45 Raw Milk (morning). Henry Miracle. Passed
10-23-45 Raw Milk (night). Henry Miracle. High bacteria
11-19-45 Raw Milk (morning). Henry Miracle. High bacteria
11-19-45 Raw Milk (night). Henry Miracle. High bacteria
3-29-45 Raw Milk (morning). Morgan & Robbins. High bacteria
3-29-45 Raw Milk (night). Morgan & Robbins. High bacteria
9-18-45 Raw Milk (morning). Morgan & Robbins. High bacteria
9-18-45 Raw Milk (night). Morgan & Robbins. High bacteria
10-23-45 Raw Milk (morning). Morgan & Robbins. High bacteria
10-23-45 Raw Milk (night). Morgan & Robbins. High bacteria
11-19-45 Raw Milk (morning). Morgan & Robbins. High bacteria
11-19-45 Raw Milk (night). Morgan & Robbins. High bacteria
7-16-45 Raw Milk (morning). J. R. Morrell. High bacteria
7-16-45 Raw Milk (night). J. R. Morrell. High bacteria
8-13-45 Raw Milk (morning). J. R. Morrell. High bacteria
8-13-45 Raw Milk (night). J. R. Morrell. High bacteria
9-18-45 Raw Milk (morning). J. R. Morrell. High bacteria
9-18-45 Raw Milk (night). J. R. Morrell. High bacteria
10-23-45 Raw Milk. J. R. Morrell. High bacteria
3-29-45 Raw Milk. S. W. Moss. High bacteria
6-25-45 Raw Milk (morning). S. W. Moss. High bacteria
6-25-45 Raw Milk (night). S. W. Moss. High bacteria
6-13-45 Raw Milk (morning). R. M. Powell. Passed
6-13-45 Raw Milk (night). R. M. Powell. Passed

8-13-45 Raw Milk (morning). R. M. Powell. High bacteria
8-13-45 Raw Milk (night). R. M. Powell. High bacteria
10- 9-45 Raw Milk (morning). R. M. Powell. High bacteria
10- 9-45 Raw Milk (night). R. M. Powell. High bacteria
11-26-45 Raw Milk (morning). R. M. Powell. High bacteria
11-26-45 Raw Milk (night). R. M. Powell. High bacteria
1-24-45 Raw Milk. Vic Rice. High bacteria.
1-24-45 Pasteurized Milk. Sanders Dairy. Passed
3-29-45 Pasteurized Milk. Sanders Dairy. Passed
5-21-45 Pasteurized Milk. Sanders Dairy. High bacteria
6-25-45 Pasteurized Milk. Sanders Dairy. High bacteria
7-16-45 Pasteurized Milk. Sanders Dairy. High bacteria
8-13-45 Pasteurized Milk. Sanders Dairy. High bacteria
9-18-45 Pasteurized Milk. Sanders Dairy. High bacteria
10-23-45 Pasteurized Milk. Sanders Dairy. High bacteria
11-19-45 Pasteurized Milk. Sanders Dairy. High bacteria
1-24-45 Raw Milk. C. C. Tap. High bacteria
6-13-45 Raw Milk (morning). Dan Taylor. Passed
6-13-45 Raw Milk (night). Dan Taylor. High bacteria
10- 9-45 Raw Milk (morning). Dan Taylor. Passed
1-24-45 Raw Milk. C. Vandiver. High bacteria
10- 9-45 Raw Milk (morning). C. Wade. High bacteria; watered
10- 9-45 Raw Milk (night). C. Wade. High bacteria; watered
10-23-45 Raw Milk (morning). C. Wade. High bacteria; watered
1-24-45 Raw Milk. Ed Young. High bacteria
3-29-45 Raw Milk (morning). Ed Young. High bacteria
3-29-45 Raw Milk (night). Ed Young. High bacteria

LYON COUNTY

9-20-45 Raw Milk, Grade A. Audas Dairy. High bacteria
11- 8-45 Raw Milk, Grade A. Audas Dairy. Watered
11- 8-45 Raw Milk. Hester's Dairy. High bacteria; Low in butter fat; watered
12-20-45 Raw Milk. Hester's Dairy. Passed
4-19-45 Raw Milk. Jenkins Dairy. High temperature
7-23-45 Raw Milk. Jenkins Dairy. High bacteria & temp.

9-20-45 Raw Milk. Jenkins Dairy. High bacteria & temp.
11- 8-45 Raw Milk. Jenkins Dairy. High bacteria & temp.
9-20-45 Raw Milk, Grade A. Ladd's Dairy. High bacteria
1-15-45 Raw Milk. Oliver Dairy. High temperature
4-19-45 Raw Milk. Oliver Dairy. High temperature
7-24-45 Raw Milk. Oliver Dairy. High bacteria & temp.
9-20-45 Raw Milk. Oliver Dairy. High temperature
11- 8-45 Raw Milk. Oliver Dairy. High temperature
12-21-45 Raw Milk. Oliver Dairy. High bacteria
9-20-45 Raw Milk. Sills Dairy. High bacteria

McCracken County

3-20-45 Pasteurized Milk, Grade A. Dexter Dairy. Underpasteurized
4- 2-45 Pasteurized Milk, Grade A. Dexter Dairy. High bacteria; underpasteurized
3- 5-45 Homogenized Milk, Grade A. Midwest Dairy. High bacteria
3-20-45 Pasteurized Milk, Grade A. Midwest Dairy. Passed
3-20-45 Homogenized Milk, Grade A. Midwest Dairy. Passed
4- 2-45 Pasteurized Milk, Grade A. Midwest Dairy. Underpasteurized
4- 2-45 Homogenized Milk, Grade A. Midwest Dairy. Passed
4-16-45 Homogenized Milk, Grade A. Midwest Dairy. Passed
4-16-45 Pasteurized Milk, Grade A. Midwest Dairy. Passed
4-21-45 Homogenized Milk, Grade A. Midwest Dairy. Passed
5-21-45 Pasteurized Milk, Grade A. Midwest Dairy. Passed
9- 4-45 Pasteurized Milk, Grade A. Midwest Dairy. Passed
3- 5-45 Pasteurized Milk, Grade A. Miller Dairy. High bacteria
3-20-45 Pasteurized Milk, Grade A. Miller Dairy. High bacteria
4- 2-45 Pasteurized Milk, Grade A. Miller Dairy. High bacteria; underpasteurized
4-16-45 Pasteurized Milk, Grade A. Miller Dairy. High bacteria
5-21-45 Pasteurized Milk, Grade A. Miller Dariy. High bacteria
9- 4-45 Pasteurized Milk, Grade A. Miller Dairy. High bacteria

MADISON COUNTY

2- 5-45 Raw Milk, Grade A. Jerry Chambers. Passed
2- 5-45 Raw Milk, Grade A. Chambers & Crutcher. Passed
2- 5-45 Raw Milk, Grade A. G. DeJarnette. High bacteria
2- 5-45 Raw Milk, Grade A. Tom Fox, Jr. Passed
2- 5-45 Raw Milk, Grade A. McKinney Dairy. High bacteria
2- 5-45 Pasteurized Milk, Grade A. New Stateland Farm. Passed
2- 6-45 Pasteurized Milk, Grade A. Berea College. Passed
2- 6-45 Raw Milk to be pasteurized. Dan Bodkin. Passed
2- 6-45 Raw Milk to be pasteurized. Robert Bodkin. High bacteria
2- 6-45 Raw Milk to be pasteurized. M. Deatherage. High bacteria
2- 6-45 Raw Milk to be pasteurized. John Kidd. High bacteria
2- 6-45 Pasteurized Milk, Grade A. Ky. Ice Cream Co.. Passed
2- 6-45 Raw Milk, Grade A. Moore & Ross. High bacteria
2- 6-45 Milk to be pasteurized. L. H. Wilder. High bacteria
2-14-45 Raw Milk, Grade A. Jerry Chambers. High bacteria
2-14-45 Raw Milk, Grade A. J. W. McKinney. Watered
2-20-45 Milk to be pasteurized. Dan Bodkin. High bacteria
2-20-45 Milk to be pasteurized. R. Bodkin. Passed
2-20-45 Milk to be pasteurized. M. Deatherage. Passed
2-20-45 Raw Milk, Grade A. G. DeJarnette. Passed
2-20-45 Raw Milk, Grade A. E. T. Hayes. Passed
2-20-45 Raw Milk to be pasteurized. John Kidd. Passed
2-20-45 Raw Milk, Grade A. J. McKinney. High bacteria
2-20-45 Raw Milk, Grade A. Moore and Ross. Below standard in fat
2-20-45 Milk to be pasteurized. J. L. Moore. Passed
2-20-45 Milk to be pasteurized. L. H. Wilder. High bacteria
2-20-45 Milk to be pasteurized. E. C. Wynn. Passed
2-28-45 Pasteurized Milk, Grade A. Berea College Boarding Hall. High bacteria
2-28-45 Pasteurized Milk, Grade A. Berea College Creamery. Passed
2-28-45 Milk to be pasteurized. D. Bodkin. High bacteria

2-28-45 Milk to be pasteurized. R. Bodkin. High bacteria
2-28-45 Raw Milk, Grade A. J. Chambers. Passed
2-28-45 Raw Milk, Grade A. Chambers & Crutcher. Passed
2-28-45 Milk to be pasteurized. M. Deatherage. Passed
2-28-45 Raw Milk, Grade A. G. DeJarnette. Passed
2-28-45 Raw Milk, Grade A. Tom Fox, Jr. Passed
2-28-45 Milk to be pasteurized. John Kidd. Passed
2-28-45 Pasteurized Milk, Grade A. Ky. Ice Cream Co.. Passed
2-28-45 Milk to be pasteurized. L. H. Wilder. High bacteria
3- 7-45 Pasteurized Milk (2 samples). Berea College. Passed
3- 7-45 Raw Milk, Grade A. J. W. McKinney. High bacteria
3- 7-45 Raw Milk, Grade A. New Stateland Farm. Passed
3- 7-45 Pasteurized Milk. New Stateland Farm. Watered
3-14-45 Raw Milk, Grade A. J. W. McKinney. Passed
3-14-45 Raw Milk, Grade A. Hugh Million. Passed
3-14-45 Raw Milk, Grade A. Moore & Rose. Low in fat
3-14-45 Milk to be pasteurized. L. H. Wilder. High bacteria; low in butter fat
3-21-45 Raw Milk, Grade A (morning). J. W. McKinney. Watered; high bacteria
3-21-45 Raw Milk, Grade A (night). J. W. McKinney. High bacteria
3-26-45 Raw Milk, Grade A. Ingleside Dairy. High bacteria
3-28-45 Raw Milk, Grade A. Ingleside Dairy. Passed
4- 2-45 Raw Milk, Grade A. Ingleside Dairy. Passed
4- 4-45 Raw Milk, Grade A. Ingleside Dairy. Passed
4- 9-45 Raw Milk, Grade A. Chambers & Crutcher. Passed
4- 9-45 Raw Milk, Grade A. Tom Fox, Jr. Passed
4- 9-45 Raw Milk, Grade A. New Stateland Farm. Passed
4- 9-45 Pasteurized Milk. Ky. Ice Cream Co. High bacteria
4-16-45 Pasteurized Milk, Grade A. Berea College. High bacteria
4-16-45 Pasteurized Milk. College Dining Hall. High bacteria; low in fat content
4-16-45 Raw Milk, Grade A. Berea College. High bacteria
4-16-45 Milk to be pasteurized. D. Bodkin. High bacteria
4-16-45 Milk to be pasteurized. R. Bodkin. Passed

4-16-45 Milk to be pasteurized. M. Deatherage. High bacteria
4-16-45 Milk to be pasteurized. John Kidd. High bacteria
4-16-45 Raw Milk, Grade A. McKinney Dairy. High bacteria
4-16-45 Raw Milk, Grade A. Hugh Million. Passed
4-16-45 Pasteurized Milk, Grade A. New Stateland Farm. Low in butter fat
4-16-45 Pasteurized Milk, Grade A. Ky. Ice Cream Co. Passed
4-16-45 Milk to be pasteurized. L. H. Wilder. High bacteria
4-26-45 Pasteurized Milk, Grade A. Berea College. Passed
4-26-45 Raw Milk, Grade A. Berea College. Passed
4-26-45 Raw Milk, Grade A. J. Chambers. High bacteria
4-26-45 Raw Milk, Grade A. Chambers & Crutcher. High bacteria
4-26-45 Raw Milk, Grade A. Tom Fox, Jr. Passed
4-26-45 Raw Milk, Grade A. DeJarnette. Passed
4-26-45 Raw Milk, Grade A. J. W. McKinney. High bacteria; Low in butter fat
5- 2-45 Raw Milk, Grade A. J. W. McKinney. Low in butter fat
5- 7-45 Raw Milk, Grade A. J. Chambers. Preservative
5- 7-45 Raw Milk, Grade A (2 samples). J. W. McKinney. Preservatives
5- 8-45 Raw Milk, Grade A. J. W. McKinney. Passed
5- 9-45 Raw Milk, Grade A. J. W. McKinney. Preservative
5-15-45 Raw Milk, Grade A. Chambers & Crutcher. Passed
5-15-45 Raw Milk, Grade A. Tom Fox, Jr. Passed
5-15-45 Pasteurized Milk, Grade A. New Stateland Farm. Passed
5-22-45 Pasteurized Milk, Grade A. Berea College. Passed
6- 5-45 Milk to be pasteurized. M. Deatherage. Passed
6- 5-45 Raw Milk, Grade A. DeJarnette. High bacteria
6- 5-45 Raw Milk, Grade A. Ingleside. Passed
6- 5-45 Raw Milk, Grade A. Million Dairy. Passed
6- 5-45 Pasteurized Milk, Grade A. Ky. Ice Cream Co. Passed
6- 5-45 Pasteurized Milk, Grade A. New Stateland Farm. Low in fat; high bacteria

6-12-45 Pasteurized Milk, Grade A. Berea College. Passed
6-12-45 Milk to be pasteurized. E. T. Hayes. High bacteria
6-12-45 Milk to be pasteurized. J. L. Moore. Passed
6-12-45 Milk to be pasteurized. E. C. Wynn. Passed
6-12-45 Raw Milk, Grade A. Moore & Ross. Passed
6-20-45 Raw Milk, Grade A. J. B. Chambers. Low in butter fat
6-20-45 Raw Milk, Grade A. Chambers & Crutcher. Passed
6-20-45 Raw Milk, Grade A. M. Deatherage. Passed
6-20-45 Raw Milk, Grade A. DeJarnette. Passed
6-20-45 Raw Milk, Grade A. Tom Fox, Jr. Passed
6-20-45 Raw Milk, Grade A. Ingleside. Passed
6-20-45 Raw Milk, Grade A. Million Dairy. Passed
6-20-45 Raw Milk, Grade A. McKinney Dairy. Passed
6-20-45 Pasteurized Milk, Grade A. Ky. Ice Cream Co. High bacteria
6-20-45 Pasteurized Milk, Grade A. New Stateland. Under-pasteurized; low in butter fat
6-26-45 Raw Milk, Grade A. Berea College. Passed
6-26-45 Pasteurized Milk, Grade A. Berea College. Passed
6-26-45 Raw Milk, Grade A. Moore & Ross. High bacteria
6-26-45 Raw Milk, Grade A. E. C. Wynn. High bacteria
6-26-45 Milk to be pasteurized. J. L. Moore. Passed
7- 5-45 Raw Milk, Grade A. J. Chambers. High bacteria
7- 5-45 Raw Milk, Grade A. Chambers & Crutcher. High bacteria
7- 5-45 Raw Milk, Grade A. DeJarnette. Passed
7- 5-45 Raw Milk, Grade A. Tom Fox, Jr. Passed
7- 5-45 Raw Milk, Grade A. Ingleside. High bacteria
7- 5-45 Raw Milk, Grade A. J. W. McKinney. Passed
7- 5-45 Pasteurized Milk, Grade A. Ky. Ice Cream Co. High bacteria
7-10-45 Pasteurized Milk, Grade A. Berea College. Passed
7-10-45 Raw Milk, Grade A. Moore & Ross. Passed
7-10-45 Raw Milk, Grade. J. L. Moore. Passed
7-10-45 Pasteurized Milk, Grade A. New Stateland Farm. High bacteria; Low in butter fat
7-17-45 Raw Milk, Grade A. A. J. Chambers. High bacteria
7-17-45 Raw Milk, Grade A. Chambers & Crutcher. Passed

7-17-45 Raw Milk, Grade A. M. Deatherage. Passed
7-17-45 Raw Milk, Grade A. DeJarnette. Passed
7-17-45 Raw Milk, Grade A. Tom Fox, Jr. Passed
7-17-45 Raw Milk, Grade A. Ingleside. Passed
7-17-45 Pasteurized Milk, Grade A. Ky. Ice Cream Co. High bacteria
7-17-45 Raw Milk, Grade A. J. W. McKinney. Passed
7-17-45 Raw Milk, Grade A. Million Dairy. Passed
7-17-45 Pasteurized Milk, Grade A. New Stateland. High bacteria
7-17-45 Raw Milk, Grade A. New Stateland. Passed
7-30-45 Raw Milk, Grade A. J. Chambers. Passed
7-30-45 Pasteurized Milk, Grade A. Ky. Ice Cream Co. High bacteria
7-30-45 Pasteurized Milk, Grade A. New Stateland. Low in butter fat; watered
8- 7-45 Raw Milk, Grade A. Berea Creamery. High bacteria
8- 7-45 Pasteurized Milk, Grade A. Berea Creamery. High bacteria
8- 7-45 Raw Milk, Grade A. Chambers & Crutcher. Passed
8- 7-45 Raw Milk, Grade A. M. Deatherage. High bacteria
8- 7-45 Raw Milk, Grade A. Tom Fox, Jr. Passed
8- 7-45 Raw Milk, Grade A. Ingleside Dairy. Passed
8- 7-45 Raw Milk, Grade A. J. W. McKinney. High bacteria
8- 7-45 Raw Milk, Grade A. Moore & Ross. High bacteria
8-14-45 Raw Milk, Grade A. G. DeJarnette. Passed
8-14-45 Raw Milk, Grade A. E. T. Hays. High bacteria
8-14-45 Raw Milk, Grade A. J. W. McKinney. Low in butter fat
8-14-45 Raw Milk, Grade A. New Stateland Farm. High bacteria
8-14-45 Milk to be pasteurized. J. L. Moore. Passed
8-14-45 Milk to be pasteurized. E. C. Winn. Passed
9-11-45 Raw Milk, Grade A. J. Chambers. Passed
9-11-45 Raw Milk, Grade A. Chambers & Crutcher. Passed
9-11-45 Raw Milk, Grade A. G. DeJarnett. High bacteria
9-11-45 Raw Milk, Grade A. Ingleside Dairy. Passed
9-11-45 Raw Milk, Grade A. Tom Fox, Jr. Passed
9-11-45 Raw Milk, Grade A. J. W. McKinney. Passed

9-11-45 Raw Milk, Grade A. New Stateland. High bacteria
9-11-45 Pasteurized Milk, Grade A. New Stateland. Passed
9-11-45 Pasteurized Milk, Grade A. Ky. Ice Cream Co. High bacteria
9-18-45 Pasteurized Milk, Grade A. Berea Creamery. Passed
9-18-45 Raw Milk, Grade A. Berea Creamery. High bacteria
9-18-45 Raw Milk, Grade A. J. Chambers. High bacteria
9-18-45 Raw Milk, Grade A. M. Deatherage. High bacteria
9-18-45 Raw Milk, Grade A. E. T. Hayes. High bacteria
9-18-45 Raw Milk, Grade A. J. L. Moore. Passed
9-18-45 Raw Milk, Grade A. Moore & Ross. Passed
9-18-45 Raw Milk, Grade A. E. C. Wynn. High bacteria
9-24-45 Milk to be pasteurized (2 samples). J. Chambers. High bacteria
9-24-45 Raw Milk, Grade A. J. Chambers. High bacteria
10- 9-45 Raw Milk, Grade A. J. Chambers. Passed
10- 9-45 Raw Milk, Grade A. Tom Fox, Jr. High bacteria.
10- 9-45 Raw Milk, Grade A. M. Deatherage. High bacteria
10- 9-45 Raw Milk, Grade A. J. W. McKinney. Passed
10- 9-45 Raw Milk, Grade A. Ingleside. Passed
10- 9-45 Pasteurized Milk, Grade A. Ky. Ice Cream Co. High bacteria
10- 9-45 Pasteurized Milk, Grade A. New Stateland. Low in butter fat
10- 9-45 Raw Milk, Grade A. New Stateland. Passed
10-16-45 Pasteurized Milk, Grade A. Berea Creamery. Passed
10-16-45 Raw Milk, Grade A. Berea Creamery. Passed
10-16-45 Raw Milk, Grade A. Mark Ambrose. High bacteria
10-16-45 Raw Milk, Grade A. DeJarnette. High bacteria
10-16-45 Raw Milk, Grade A. Chambers & Crutcher. Passed
10-16-45 Raw Milk, Grade A. J. L. Moore. Passed
10-16-45 Raw Milk, Grade A. E. C. Wynn. High bacteria
10-30-45 Raw Milk, Grade A. DeJarnette. Passed
10-30-45 Raw Milk, Grade A. E. T. Hayes. Passed
10-30-45 Milk to be pasteurized. Kit Parker. High bacteria
11- 6-45 Pasteurized Milk, Grade A. Berea Creamery. Passed
11- 6-45 Raw Milk, Grade A. Berea Creamery. Passed
11- 6-45 Raw Milk, Grade A. E. T. Hayes. Passed
11- 6-45 Raw Milk, Grade A. J. C. Parks. High bacteria

11- 6-45 Milk to be pasteurized. M. Ambrose. Passed
11- 6-45 Milk to be pasteurized. J. L. Moore. Passed
11- 6-45 Milk to be pasteurized E C Wynn Passed
12- 4-45 Raw Milk, Grade A J. Chambers. High bacteria
12- 4-45 Raw Milk, Grade A. DeJarnette. High bacteria
12- 4-45 Raw Milk, Grade A. Tom Fox, Jr. Passed
12- 4-45 Raw Milk, Grade A. J. W. McKinney. High bacteria
12- 4-45 Raw Milk, Grade A. Moore & Ross. Passed
12- 4-45 Raw Milk, Grade A. J. C. Parks. High bacteria; Watered
12-18-45 Raw Milk, Grade A. J. Chambers. Passed
12-18-45 Raw Milk, Grade A. DeJarnette. Passed
12-18-45 Raw Milk, Grade A. J. W. McKinney. Passed
12-18-45 Raw Milk, Grade A. Kit Parks. Passed

MARSHALL COUNTY

2-20-45 Raw Milk, Grade A. Darnall. High temp. and bacteria
3- 6-45 Raw Milk, Grade A. Darnall. Passed
7- 3-45 Raw Milk, Grade A. Darnall. High temperature; low in butter fat
9- 4-45 Raw Milk, Grade A. Darnall. High temp. and bacteria
10-30-45 Raw Milk, Grade A. Darnall. High temp. and bacteria
11-27-45 Raw Milk, Grade A. Darnall. Passed
1-10-45 Pasteurized Milk, Grade A. Mayfield Dairy Co. High bacteria
1-10-45 Pasteurized Milk, Grade A. Mayfield Dairy Co. Passed
2-20-45 Pasteurized Milk, Grade A. Mayfield Dairy Co. High bacteria
3- 6-45 Pasteurized Milk, Grade A. Mayfield Dairy Co. Passed
4- 4-45 Pasteurized Milk, Grade A. Mayfield Dairy Co. Passed
7- 3-45 Pasteurized Milk, Grade A. Mayfield Dairy Co. High bacteria & temp.
7-17-45 Pasteurized Milk, Grade A. Mayfield Dairy Co. Passed

9- 4-45 Pasteurized Milk, Grade A. Mayfield Dairy Co. Passed
10-30-45 Pasteurized Milk, Grade A. Mayfield Dairy Co. High bacteria; underpasteurized
11-27-45 Pasteurized Milk, Grade A. Mayfield Dairy Co. Underpasteurized; high bacteria
1-10-45 Pasteurized Milk, Grade A. Miller's Paducah. High bacteria
2-22-45 Pasteurized Milk, Grade A. Miller's, Paducah. High bacteria
3- 6-45 Pasteurized Milk, Grade A. Miller's, Paducah. Passed
4- 4-45 Pasteurized Milk, Grade A. Miller's, Paducah. High bacteria
4- 4-45 Pasteurized Milk, Grade A. Miller's, Paducah. High bacteria
7- 3-45 Pasteurized Milk, Grade A. Miller's, Paducah. Passed
7-17-45 Pasteurized Milk, Grade A. Miller's, Paducah. Low in butter fat
10-30-45 Pasteurized Milk, Grade A. Miller's, Paducah. Low in butter fat; skimmed; underpasteurized; high bacteria
1-10-45 Pasteurized Milk, Grade A. Midwest, Paducah. Passed
2-22-45 Pasteurized Milk, Grade A. Midwest, Paducah. Passed
7- 3-45 Pasteurized Milk, Grade A. Midwest, Paducah. Passed
7-17-45 Pasteurized Milk, Grade A. Midwest, Paducah. High bacteria; low in butter fat
10-30-45 Pasteurized Milk, Grade A. Midwest, Paducah. High bacteria
11-27-45 Pasteurized Milk, Grade A. Midwest, Paducah. Passed
3- 6-45 Raw Milk, Grade C. Vaughn Dairy. Low in butter fat
11-27-45 Raw Milk, Grade C. Vaughn Dairy. Low in butter fat

MASON COUNTY

12-12-45 Raw Milk, Grade A. Allison. Passed
1-23-45 Milk to be pasteurized. A. W. Bell. High bacteria
1-23-45 Milk to be pasteurized. Frank Brannen. High bacteria
2-13-45 Milk to be pasteurized. Frank Brannen. High bacteria
2-20-45 Milk to be pasteurized. Frank Brannen. Passed
3-28-45 Milk to be pasteurized. Frank Brannen. Passed
8-22-45 Milk to be pasteurized. Frank Brannen. Passed
12-12-45 Milk to be pasteurized. Frank Brannen. Passed
3-28-45 Milk to be pasteurized. Gus Brooks. High bacteria; watered
4-18-45 Milk to be pasteurized. Gus Brooks. High bacteria; low in butter fat
5- 1-45 Milk to be pasteurized. Gus Brooks. High bacteria
1-23-45 Milk to be pasteurized. Browning & Fitch. High bacteria
2-13-45 Milk to be pasteurized. Browning & Fitch. Passed
3-28-45 Milk to be pasteurized. Browning & Fitch. Passed
4-18-45 Milk to be pasteurized. Browning & Fitch. Passed
5-29-45 Milk to be pasteurized. Browning & Fitch. Passed
7-11-45 Milk to be pasteurized. Browning & Fitch. Passed
8-22-45 Milk to be pasteurized. Browning & Fitch. High bacteria
12-12-45 Milk to be pasteurized. Browning & Fitch. Passed
1-23-45 Milk to be pasteurized. Browning & Humphrey. Passed
2-13-45 Milk to be pasteurized. Browning & Humphrey. Passed
3-28-45 Milk to be pasteurized. Browning & Humphrey. Passed
4-18-45 Milk to be pasteurized. Browning & Humphrey. Passed
5-29-45 Milk to be pasteurized. Browning & Humphrey. Passed
7-11-45 Milk to be pasteurized. Browning & Humphrey. Passed

8-22-45 Milk to be pasteurized. Browning & Humphrey. Passed
12-12-45 Milk to be pasteurized. Browning & Humphrey. Passed
1-23-45 Milk to be pasteurized. Browning & Royse. Passed
2-13-45 Milk to be pasteurized. Browning & Royse. Passed
3-28-45 Milk to be pasteurized. Browning & Royse. Passed
4-18-45 Milk to be pasteurized. Browning & Royse. Passed
5-29-45 Milk to be pasteurized. Browning & Royse. Passed
7-11-45 Milk to be pasteurized. Browning & Royse. Passed
8-22-45 Milk to be pasteurized. Browning & Royse. Passed
12-12-45 Milk to be pasteurized. Browning & Royse. Passed
1-23-45 Milk to be pasteurized. Browning & Thompson. Passed
2-13-45 Milk to be pasteurized. Browning & Thompson. High bacetria
3-28-45 Milk to be pasteurized. Browning & Thompson. High bacetria
4-18-45 Milk to be pasteurized. Browning & Thompson. Passed
5-29-45 Milk to be pasteurized. Browning & Thompson. Passed
7-11-45 Milk to be pasteurized. Browning & Thompson. Passed
8-22-45 Milk to be pasteurized. Browning & Thompson. High bacteria; below standard for fat
12-12-45 Milk to be pasteurized. Browning & Thompson. Passed
1-23-45 Milk to be pasteurized. W. H. Key. Passed
2-13-45 Milk to be pasteurized. W. H. Key. Passed
2-20-45 Milk to be pasteurized. W. H. Key. Passed
4-18-45 Milk to be pasteurized. W. H. Key. Passed
5- 1-45 Milk to be pasteurized. W. H. Key. Low in butter fat
7-11-45 Milk to be pasteurized. W. H. Key. High bacteria
8-22-45 Milk to be pasteurized. W. H. Key. High bacteria
12-12-45 Milk to be pasteurized. W. H. Key. Passed
1-23-45 Pasteurized Milk, Grade A. Keys Model Dairy. Passed

1-23-45 Pasteurized Cream, Grade A. Keys Model Dairy. High bacteria

2-13-45 Pasteurized Cream, Grade A. Keys Model Dairy. High bacteria

2-13-45 Pasteurized Milk, Grade A. Keys Model Dairy. Passed

2-13-45 Raw Milk, Grade A. Keys Model Dairy. Passed

3-28-45 Raw Milk, Grade A. Keys Model Dairy. High bacteria

3-28-45 Pasteurized Milk, Grade A. Keys Model Dairy. Passed

3-28-45 Pasteurized Cream, Grade A. Keys Model Dairy. Passed

4-18-45 Pasteurized Cream, Grade A. Keys Model Dairy. Passed

4-18-45 Pasteurized Milk, Grade A. Keys Model Dairy. Passed

4-18-45 Pasteurized Chocolate Milk, Grade A. Keys Model Dairy. Skimmed; high bacteria

5- 1-45 Pasteurized Chocolate Milk, Grade A. Keys Model Dairy. High bacteria; skimmed

5- 1-45 Pasteurized Milk, Grade A. Keys Model Dairy. Passed

5- 1-45 Pasteurized Cream, Grade A. Keys Model Dairy. Passed

5-29-45 Pasteurized Cream, Grade A. Keys Model Dairy. Passed

5-29-45 Pasteurized Milk, Grade A. Keys Model Dairy. Passed

7-11-45 Pasteurized Milk, Grade A. Keys Model Dairy. Passed

7-11-45 Pasteurized Cream, Grade A. Keys Model Dairy. High bacteria

7-11-45 Raw Milk, Grade A. Keys Model Dairy. High bacteria

7-11-45 Chocolate Milk. Keys Model Dairy. High bacteria; skimmed

8-22-45 Pasteurized Milk, Grade A. Keys Model Dairy. High bacteria; low in butter fat

12-12-45 Pasteurized Milk, Grade A. Keys Model Dairy. Passed
12-12-45 Pasteurized Cream, Grade A. Keys Model Dairy. Passed
2-20-45 Raw Milk, Grade A. Albert Perraut. Passed
2-20-45 Raw Cream, Grade A. Albert Perraut. Passed
5- 1-45 Raw Milk, Grade A (2 samples). Albert Perraut. Low in butter fat; high bacteria
5-29-45 Raw Milk, Grade A (3 samples). Albert Perraut. Low in butter fat
5-29-45 Raw Cream, Grade A. Albert Perraut. Passed
7-11-45 Raw Milk, Grade A (3 samples). Albert Perraut. High bacteria
7-11-45 Raw Cream. Albert Perraut. Passed
8-22-45 Raw Cream, Grade A. Albert Perraut. High bacteria
8-22-45 Raw Milk, Grade A. Albert Perraut. Passed
12-12-45 Raw Milk, Grade A. Albert Perraut. High bacteria
2-20-45 Raw Milk, Grade A. W. B. Smoot. Passed
3-28-45 Raw Milk, Grade A. W. B. Smoot. Passed.
5- 1-45 Raw Milk, Grade A. W. B. Smoot. Passed
5-29-45 Raw Milk, Grade A. W. B. Smoot. Passed
8-22-45 Raw Milk, Grade A. W. B. Smoot. Passed

MERCER COUNTY

1-10-45 Raw Milk. Hansford Dean. High bacteria
1-10-45 Raw Milk. Ben Gabbert. High bacteria
1-10-45 Pasteurized Milk, Grade A. Fenley's, Louisville. Passed
1-10-45 Raw Milk. W. H. Horn. Passed
1-10-45 Raw Milk. Burns & Huffman. Passed
1-10-45 Raw Milk. Long & Huffman. Watered
1-10-45 Raw Milk. Ralph Huffman. Passed
1-10-45 Raw Milk. Jones & Bohon. High bacteria
1-10-45 Raw Milk. Harve Long. Passed
1-10-45 Raw Milk. Merrill Long. Passed
1-10-45 Raw Milk. Varnie Reed. Passed
1-10-45 Raw Milk. J. C. Sims. High bacteria
1-10-45 Raw Milk. E. C. Stephenson. Passed

1-10-45 Pasteurized Milk, Grade A. A. E. C. Stephenson. Passed
1-10-45 Raw Milk. D. Shapiro. Passed
1-10-45 Raw Milk. Oakie Scott. High bacteria
1-10-45 Raw Milk. Joe Vaught. Passed
2- 7-45 Raw Milk. Arnold Carter. High bacteria
2- 7-45 Raw Milk. Hansford Dean. Passed
2- 7-45 Raw Milk. J. D. DeVary. High bacteria
2- 7-45 Raw Milk. Ben Gabbert. Passed
2- 7-45 Raw Milk. W. J. Horn. Passed
2- 7-45 Raw Milk. Burns & Huffman. Passed
2- 7-45 Raw Milk. Long & Huffman. Passed
2- 7-45 Raw Milk. Ralph Huffman. High bacteria
2- 7-45 Raw Milk. Harve Long. High bacteria
2- 7-45 Raw Milk. Merrill Long. Passed
2- 7-45 Raw Milk. Joe McCrysler. Passed
2- 7-45 Raw Milk. Varnie Reed. High bacteria
2- 7-45 Raw Milk. Oakley Scott. High bacteria
2- 7-45 Raw Milk. D. Shapiro. High bacteria
2- 7-45 Raw Milk. J. C. Sims. Watered
2- 7-45 Raw Milk. E. C. Stephenson. Watered
2- 7-45 Pasteurized Milk, Grade A. E. C. Stephenson. Passed
2-15-45 Pasteurized Milk. Harrodsburg Dairy. High bacteria
2-15-45 Pasteurized Milk (2 samples). Harrodsburg Dairy. Passed
2-15-45 Pasteurized Milk. Harrodsburg Dairy. Passed
2-28-45 Raw Milk. Carter & Dean. Passed
2-28-45 Raw Milk. Ben Gabbert. Passed
2-28-45 Raw Milk. W. J. Horn. Passed
2-28-45 Raw Milk. Burns & Huffman. Passed
2-28-45 Raw Milk. Long & Huffman. Passed
2-28-45 Raw Milk. Ralph Huffman. Passed
2-28-45 Raw Milk. Fred Jackson. High bacteria; watered
2-28-45 Raw Milk. Jones & Bodol. High bacteria
2-28-45 Raw Milk. W. R. Logue. Passed
2-28-45 Raw Milk. Merrill Long. Passed
2-28-45 Raw Milk. T. O. Payne. High bacteria

2-28-45 Raw Milk. Oakley Scott. High bacteria
2-28-45 Raw Milk. J. C. Sims. Passed
2-28-45 Raw Milk. D. Shapiro. High bacteria
2-28-45 Raw Milk. E. C. Stephenson. Passed
2-28-45 Raw Milk. J. Wilham. Passed
2-28-45 Pasteurized Milk, Grade A. E. C. Stephenson. Passed
4- 3-45 Raw Milk. Carter & Dean. High bacteria
4- 3-45 Raw Milk. Ben Gabbert. High bacteria
4- 3-45 Paseurized Milk, Grade A. Fenley's, Louisville. High bacteria
4- 3-45 Pasteurized Milk, Grade A. Harrodsburg Dairy. Passed
4- 3-45 Raw Milk. W. J. Horn. Passed
4- 3-45 Raw Milk. Burns & Huffman. Low in butter fat
4- 3-45 Raw Milk. Long & Huffman. High bacteria
4- 3-45 Raw Milk. Harve Long. High bacteria
4- 3-45 Raw Milk. Merrill Long. Passed
4- 3-45 Raw Milk. Jones & Bohon. High bacteria; watered
4- 3-45 Raw Milk. J. C. Sims. High bacteria
4- 3-45 Raw Milk. D. Shapiro. High bacteria
4- 3-45 Raw Milk. E. C. Stephenson. High bacteria
5- 1-45 Raw Milk. Carter & Dean. Passed
5- 1-45 Raw Milk. Hansford Dean. Passed
5- 1-45 Raw Milk. Ben Gabbert. Passed
5- 1-45 Raw Milk. Burns & Huffman. Passed
5- 1-45 Raw Milk. Long & Huffman. Passed
5- 1-45 Raw Milk. Jones & Bohon. High bacteria
5- 1-45 Raw Milk. Harve Long. High bacteria
5- 1-45 Raw Milk. Merrill Long. Passed
5- 1-45 Raw Milk. J. C. Sims. Watered
5- 1-45 Raw Milk. D. Shapiro. Passed
5- 1-45 Raw Milk. E. C. Stephenson. Passed
5- 1-45 Pasteurized Milk, Grade A. E. C. Stephenson. Passed
6- 5-45 Raw Milk. Carter & Dean. High bacteria
6- 5-45 Raw Milk. Hansford Dean. Passed
6- 5-45 Raw Milk. Ben Gabbert. High bacteria
6- 5-45 Raw Milk. Jones & Bohon. Passed

6- 5-45 Raw Milk. Harve Long. High bacteria
6- 5-45 Raw Milk. J. C. Sims. High bacteria
6- 5-45 Raw Milk. D. Shapiro. High bacteria
6- 5-45 Raw Milk. E. C. Stephenson. High bacteria
6- 5-45 Pasteurized Milk, Grade A. E. C. Stephenson. High bacetria
7- 3-45 Raw Milk. Carter & Dean. High bacteria
7- 3-45 Raw Milk. Hansford Dean. High bacteria
7- 3-45 Raw Milk. Ben Gabbert. High bacteria
7- 3-45 Raw Milk. W. J. Horn. High bacteria
7- 3-45 Raw Milk. Burns & Huffman. High bacteria
7- 3-45 Raw Milk. Long & Huffman. High bacteria
7- 3-45 Raw Milk. Jones & Bohon. High bacteria
7- 3-45 Raw Milk. Harve Long. High bacteria
7- 3-45 Raw Milk. Merrill Long. High bacteria
7- 3-45 Raw Milk. J. C. Sims. High bacteria
7- 3-45 Raw Milk. D. Shapiro. Passed
7- 3-45 Raw Milk. E. C. Stephenson. Passed
7- 3-45 Pasteurized Milk, Grade A. E. C. Stephenson. Passed
7-11-45 Raw Milk. Carter & Dean. High bacteria
7-11-45 Raw Milk. Hansford Dean. High bacteria
7-11-45 Raw Milk. Ben Gabbert. High bacteria
7-11-45 Raw Milk. W. J. Horn. High bacteria
7-11-45 Raw Milk. Burns & Huffman. High bacteria
7-11-45 Raw Milk. Long & Huffman. Passed
7-11-45 Raw Milk. Jones & Bohon. High bacteria
7-11-45 Raw Milk. Harve Long. High bacteria
7-11-45 Raw Milk. Merrill Long. High bacteria
7-11-45 Raw Milk. J. C. Sims. Watered
7-11-45 Raw Milk. D. Shapiro. High bacteria
7-11-45 Raw Milk. E. C. Stephenson. High bacteria
7-11-45 Pasteurized Milk, Grade A. E. C. Stephenson. High bacteria; skimmed
7-11-45 Raw Milk. J. S. Vaught. High bacteria
8-14-45 Raw Milk. Don Bodkin. High bacteria
8-14-45 Raw Milk. Robt. Bodkin. High bacteria
8-14-45 Raw Milk. M. Combs. High bacteria
8-14-45 Raw Milk. W. Combs. High bacteria
8-14-45 Raw Milk. Carter & Dean. High bacteria

8-14-45 Raw Milk. Hansford Dean. High bacteria
8-14-45 Raw Milk. Ben Gabbert. High bacteria
8-14-45 Raw Milk. B. W. Guinn. High bacteria
8-14-45 Raw Milk. W. J. Horn. High bacteria
8-14-45 Raw Milk. Burns & Huffman. High bacteria
8-14-45 Raw Milk. Long & Huffman. High bacteria
8-14-45 Raw Milk. John Kidd. High bacteria
8-14-45 Raw Milk. Harve Long. High bacteria
8-14-45 Raw Milk. Merrill Long. Passed
8-14-45 Raw Milk. Jones & Bohon. High bacteria
8-14-45 Raw Milk. J. C. Sims. High bacteria
8-14-45 Raw Milk. E. C. Stephenson. High bacteria
8-14-45 Raw Milk. Wm. Simpson. High bacteria
8-14-45 Pasteurized Milk, Grade A. E. C. Stephenson. Passed
8-14-45 Pasteurized Cream, Grade A. E. C. Stephenson. High bacteria
8-14-45 Raw Milk. D. Shapiro. High bacteria
8-14-45 Raw Milk. Joe Vaught. High bacteria
8-14-45 Raw Milk. L. H. Wilder. High bacteria
8-14-45 Raw Milk. C. Williams. High bacteria
9-18-45 Raw Milk. Don Bodkin. High bacteria
9-18-45 Raw Milk. R. Bodkin. High bacteria
9 18-45 Raw Milk. W. Combs. High bacteria
9-18-45 Raw Milk. Carter & Dean. High bacteria
9-18-45 Raw Milk. Hansford Dean. High bacteria
9-18-45 Raw Milk. B. W. Guinn. High bacteria
9-18-45 Raw Milk. W. J. Horn. Passed
9-14-45 Raw Milk. Burns & Huffman. Passed
9-18-45 Raw Milk. Long & Huffman. Passed
9-18-45 Raw Milk. E. R. Leathers. Passed
9-18-45 Raw Milk. Jones & Bohon. Passed
9-18-45 Raw Milk. Harve Long. High bacteria
9-18-45 Raw Milk. Merrill Long. High bacteria
9-18-45 Raw Milk. John Kidd. High bacteria
9-18-45 Raw Milk. J. C. Sims. High bacteria; watered
9-18-45 Raw Milk. D. Shapiro. Passed
9-18-45 Raw Milk. Wm. Simpson. High bacteria
9-18-45 Raw Milk. E. C. Stephenson. High bacteria

9-18-45 Raw Milk. Joe Vaught. High bacteria
9-18-45 Raw Milk. L. H. Wilder. High bacteria
9-18-45 Raw Milk. C. Williams. High bacteria
9-18-45 Pasteurized Milk. E. C. Stephenson. Passed
10-17-45 Raw Milk. Ballard & Fowler. High bacteria
10-17-45 Raw Milk. Coyle & Coyle. High bacteria
10-17-45 Raw Milk. Don Bodkin. Passed
10-17-45 Raw Milk. R. Bodkin. Passed
10-17-45 Raw Milk. W. Combs. High bacteria
10-17-45 Raw Milk. Carter & Dean. High bacteria
10-17-45 Raw Milk. Hansford Dean. Passed
10-17-45 Raw Milk. W. J. Horn. High bacteria
10-17-45 Raw Milk. Burns & Huffman. High bacteria
10-17-45 Raw Milk. Long & Huffman. High bacteria
10-17-45 Raw Milk. Jones & Bohon. Passed
10-17-45 Raw Milk. John Kidd. Passed
10-17-45 Raw Milk. B. W. Guinn. Passed
10-17-45 Raw Milk. Harve Long. Passed
10-17-45 Raw Milk. Merrill Long. Watered
10-17-45 Raw Milk. G. R. McMurray. High bacteria
10-17-45 Raw Milk. Ancel Moore. High bacteria
10-17-45 Raw Milk. E. R. Leathers. Passed
10-17-45 Raw Milk. Naely & Osborn. Passed
10-17-45 Raw Milk. Naely & Yates. High bacteria
9-18-45 Raw Milk. J. C. Sims. High bacteria
9-18-45 Raw Milk. Wm. Simpson. Passed
9-18-45 Raw Milk. D. Shapiro. Passed
9-18-45 Raw Milk. E. C. Stephenson. High bacteria
9-18-45 Pasteurized Milk, Grade A. E. C. Stephenson. High bacteria
9-18-45 Raw Milk. Joe Vaught. High bacteria
9-18-45 Raw Milk. L. H. Wilder. Passed
9-18-45 Raw Milk. C. Williams. High bacteria
11-14-45 Coffee Cream. Bluegrass Butter Co. High bacteria
11-14-45 Raw Milk. Don Bodkin. Passed
11-14-45 Raw Milk. R. Bodkin. Passed
11-14-45 Raw Milk. W. Combs. Watered; high bacteria
11-14-45 Raw Milk. Coyle & Coyle High bacteria
11-14-45 Raw Milk Carter & Dean. High bacteria
11-14-45 Raw Milk. Hansford Dean. High bacteria

11-14-45 Raw Milk. B. W. Guinn. High bacteria
11-14-45 Raw Milk. Kitty Gardner. Passed
11-14-45 Raw Milk. Gardner & Baker. High bacteria
11-14-45 Raw Milk. Ballard & Fowler. Passed
11-14-45 Raw Milk. Jones & Bohon. Passed
11-14-45 Raw Milk. John Kidd. High bacteria
11-14-45 Raw Milk. Merrill Long. High bacteria
11-14-45 Raw Milk. Long & Huffman. High bacteria
11-14-45 Raw Milk. E. R. Leathers. Passed
11-14-45 Raw Milk. G. T. McMurray. High bacteria
11-14-45 Raw Milk. Ancel Moore. High bacteria
11-14-45 Raw Milk. Nally & Yeates. High bacteria
11-14-45 Raw Milk. Nally, Sims & Wheatley. High bacteria
11-14-45 Raw Milk. Nally & Osborn. High bacteria
11-14-45 Raw Milk. Guy Smithey. High bacteria
11-14-45 Raw Milk. J. C. Sims. High bacteria
11-14-45 Raw Milk. D. Shapiro. Passed
11-14-45 Raw Milk. St. Rose. High bacteria; skimmed
11-14-45 Raw Milk. E. C. Stephenson. High bacteria
11-14-45 Pasteurized Milk, Grade A. E. C. Stephenson. High bacteria
11-14-45 Raw Milk. L. H. Wilder. High bacteria
11-14-45 Raw Milk. C. Williams. High bacteria
12- 4-45 Raw Milk. Ballard & Fowler. High bacteria
12- 4-45 Raw Milk. Carter & Dean. Passed
12- 4-45 Raw Milk. Coyle & Coyle. High bacteria
12- 4-45 Raw Milk. Kitty Garner. Passed
12- 4-45 Raw Milk. Gardner & Baker. High bacteria
12- 4-45 Raw Milk. Burns & Huffman. Passed
12- 4-45 Raw Milk. Long & Huffman. Passed
12- 4-45 Raw Milk. Jones & Bohon. Passed
12- 4-45 Raw Milk. Merrill Long. Passed
12- 4-45 Raw Milk. G. F. McMurray. Passed
12- 4-45 Raw Milk. Ancil Moore. Watered
12- 4-45 Raw Milk. Nally & Osborn. High bacteria
12- 4-45 Raw Milk. Nally & Yates. High bacteria
12- 4-45 Raw Milk. D. Shapiro. Passed
12- 4-45 Raw Milk. J. C. Sims. High bacteria
12- 4-45 Raw Milk. St. Rose. Low in butter fat

12- 4-45 Raw Milk. E. C. Stephenson. Passed
12- 4-45 Raw Milk. Ive Smithey. Passed
12- 4-45 Pasteurized Milk, Grade A. E. C. Stephenson. High bacteria

MONTGOMERY COUNTY

1-24-45 Raw Milk. R. L. Chaney. High bacteria
3-20-45 Raw Milk. R. L. Chaney. High bacteria
3-20-45 Raw Milk. R. A. Chaney. High bacteria
3-20-45 Raw Milk. Sid Anderson. High bacteria
3-20-45 Raw Milk. R. Barnett. High bacteria
3-20-45 Raw Milk. Jim Bigstaff. High bacteria
3-20-45 Raw Milk. R. Chandler. Passed
3-20-45 Raw Milk. Jeff Cooper. Passed
3-20-45 Raw Milk. Ed Conlee. High bacteria
1-24-45 Raw Milk. Vernon Fogg. High bacteria
3-20-45 Raw Milk. Vernon Fogg. High bacteria
1-24-45 Raw Milk. Glenn Stafford. Passed
3-20-45 Raw Milk. Glenn Stafford. High bacteria
1-24-45 Raw Milk. Greer & Sorrell. High bacteria
3-20-45 Raw Milk. Greer & Sorrell. High bacteria
1-24-45 Raw Milk. Gatewood & Rankin. High bacteria
3-20-45 Raw Milk. Gatewood & Rankin. High bacteria
1-24-45 Pasteurized Milk. Jersey Milk Co. Passed
3-20-45 Pasteurized Milk. Jersey Milk Co. High bacteria
3-20-45 Raw Milk. Elmer McNabb. High bacteria
1-24-45 Raw Milk. O. C. Ramey. High bacteria
3-20-45 Raw Milk. O. C. Ramey. High bacteria
3-20-45 Raw Milk. Rose & Murphy. High bacteria; watered
1-24-45 Raw Milk. Everett Stafford. Passed
3-20-45 Raw Milk. Everett Stafford. High bacteria
3-20-45 Raw Milk. E. M. Terry. High bacteria

NELSON COUNTY

2-21-45 Milk to be pasteurized. R. Barnes. High bacteria
4-11-45 Milk to be pasteurized. R. Barnes. High bacteria
9-10-45 Milk to be pasteurized. R. Barnes. High bacteria & temp.
10-17-45 Milk to be pasteurized. R. Barnes. High bacteria

11-28-45 Milk to be pasteurized. R. Barnes. High bacteria
2-21-45 Raw Milk. T. R. Beam. High bacteria
4-11-45 Raw Milk. T. R. Beam. Passed
5-16-45 Raw Milk. T. R. Beam. High bacteria & temp.
5-23-45 Raw Milk. T. R. Beam. Passed
6-19-45 Raw Milk. T. R. Beam. High bacteria & temp.
8-28-45 Raw Milk. T. R. Beam. High bacteria
9-10-45 Milk to be pasteurized. T. R. Beam. High bacteria
10-17-45 Milk to be pasteurized. T. R. Beam. Low in butter fat
11-28-45 Milk to be pasteurized. T. R. Beam. High bacteria
10-17-45 Milk to be pasteurized. Nancy Bright. High bacteria
11-28-45 Milk to be pasteurized. Nancy Bright. High bacteria
12-17-45 Milk to be pasteurized. Nancy Bright. High temperature
10-17-45 Milk to be pasteurized. Brown & Mattingly. High bacteria
2-21-45 Milk to be pasteurized. Joe Corbett. High bacteria
4-10-45 Milk to be pasteurized. Joe Corbett. High bacteria
4-24-45 Milk to be pasteurized. Joe Corbett. High temperature; low in butter fat
5-16-45 Milk to be pasturized. Joe Corbett. High temperature
5-23-45 Milk to be pasteurized. Joe Corbett. High temperature
6-19-45 Milk to be pasteurized. Joe Corbett. Passed
7-13-45 Milk to be pasteurized. Joe Corbett. Low in butter fat
8-28-45 Milk to be pasteurized. Joe Corbett. Passed
9-10-45 Milk to be pasteurized. Joe Corbett. High bacteria
10-17-45 Milk to be pasteurized. Joe Corbett. Passed
11-28-45 Milk to be pasteurized. Joe Corbett. Passed
12-17-45 Milk to be pasteurized. Joe Corbett. Passed
11-28-45 Milk to be pasteurized. L. Cornish. Watered
4-11-45 Milk to be pasteurized. Demaree & Love. High bacteria
5-16-45 Milk to be pasteurized. Demaree & Love. High bacteria

6-19-45 Milk to be pasteurized. Demaree & Love. Passed.
8-28-45 Milk to be pasteurized. Demaree & Love. High bacteria
9-10-45 Milk to be pasteurized. Demaree & Love. High temp. & bacteria
10-17-45 Milk to be pasteurized. Demaree & Love. Passed
11-28-45 Milk to be pasteurized. Demaree & Love. Passed.
12-17-45 Milk to be pasteurized. Demaree & Love. Passed.
4-24-45 Milk to be pasteurized. Demaree Bros. High bacteria
2-21-45 Milk to be pasteurized. Louis Downs. High bacteria
4-11-45 Milk to be pasteurized. Louis Downs. Passed
4-21-45 Milk to be pasteurized. Louis Downs. Passed
5-16-45 Milk to be pasteurized. Louis Downs. Passed
5-23-45 Milk to be pasteurized. Louis Downs. High bacteria
6-19-45 Milk to be pasteurized. Louis Downs. Passed
7-31-45 Milk to be pasteurized. Louis Downs. Low in butter fat
8-28-45 Milk to be pasteurized. Louis Downs. Passed
9-10-45 Milk to be pasteurized. Louis Downs. High bacteria; low in butter fat
10-17-45 Milk to be pasteurized. Louis Downs. Passed
11-28-45 Milk to be pasteurized. Louis Downs. Passed
12-17-45 Milk to be pasteurized. Louis Downs. High temperature
2-21-45 Raw Milk, Grade A. Elm Grove Dairy. Passed
4-11-45 Raw Milk, Grade A. Elm Grove Dairy. High bacteria
4-24-45 Raw Milk, Grade A. Elm Grove Dairy. High bacteria
5-16-45 Raw Milk, Grade A. Elm Grove Dairy. High bacteria
5-23-45 Raw Milk, Grade A. Elm Grove Dairy. High bacteria
6-19-45 Raw Milk, Grade A. Elm Grove Dairy. High bacteria
7-31-45 Raw Milk, Grade A. Elm Grove Dairy. High bacteria
8-28-45 Pasteurized Milk. Elm Grove Dairy. Underpasteurized; high bacteria

8-28-45	Raw Milk, Grade A. Elm Grove Dairy. High bacteria
8-30-45	Pasteurized Milk (2 samples). Elm Grove Dairy. Passed
10-17-45	Raw Milk, Grade A. Elm Grove Dairy. Passed
10-17-45	Pasteurized Milk. Elm Grove Dairy. High bacteria
11-28-45	Pasteurized Milk. Elm Grove Dairy. Passed
11-28-45	Raw Milk, Grade A. Elm Grove Dairy. High bacteria
12-17-45	Raw Milk, Grade A. Elm Grove Dairy. High bacteria
12-17-45	Pasteurized Milk. Elm Grove Dairy. High bacteria
3-10-45	Raw Cream. Fleetwood Dairy. Passed
12-17-45	Milk to be pasteurized. Henry Ferrell. High temperature
2-28-45	Raw Cream. Given's Dairy. Passed
2-21-45	Milk to be pasteurized. Guthrie & Coombs. Passed
4-10-45	Milk to be pasteurized. Guthrie & Coombs. High bacteria
4-24-45	Milk to be pasteurized. Guthrie & Coombs. High bacteria & temp.
5-16-45	Milk to be pasteurized. Guthrie & Coombs. High bacteria
5-23-45	Milk to be pasteurized. Guthrie & Coombs. High bacteria
6-19-45	Milk to be pasteurized. Guthrie & Coombs. High bacteria
7-13-45	Milk to be pasteurized. Guthrie & Coombs. High bacteria
8-28-45	Milk to be pasteurized. Guthrie & Coombs. High bacteria
9-10-45	Milk to be pasteurized. Guthrie & Coombs. High bacteria
10-17-45	Milk to be pasteurized. Guthrie & Coombs. High bacteria
11-28-45	Milk to be pasteurized. Guthrie & Coombs. High bacteria
12-17-45	Milk to be pasteurized. Guthrie & Coombs. High bacteria
2-21-45	Pasteurized Milk. H. & J. Dairies. Passed

2-28-45 Raw Cream. H. & J. Dairies. Passed
4-11-45 Pasteurized Milk, Grade A. H. & J. Dairies. High bacteria
4-11-45 Pasteurized Milk, Grade A. H. & J. Dairies. Passed
5-16-45 Pasteurized Milk, Grade A. H. & J. Dairies. Passed
5-23-45 Pasteurized Milk, Grade A. H. & J. Dairies. Passed
6-19-45 Pasteurized Milk, Grade A. H. & J. Dairies. High bacteria
7-31-45 Pasteurized Milk, Grade A. H. & J. Dairies. High bacteria
8-28-45 Pasteurized Milk, Grade A. H. & J. Dairies. High bacteria
9-10-45 Pasteurized Milk, Grade A (from vat). H. & J. Dairies. High bacteria
9-10-45 Pasteurized Milk, Grade A (from bottle). H. & J. Dairies. High bacteria
9-10-45 Pasteurized Milk, Grade A. H. & J. Dairies. High bacteria
10-17-45 Pasteurized Milk, Grade A. H. & J. Dairies. Underpasteurized
11-28-45 Pasteurized Milk, Grade A. H. & J. Dairies. Underpasteurized
11-30-45 Pasteurized Milk, Grade A (2 samples). H. & J. Dairies. Passed
12-17-45 Pasteurized Milk, Grade A. H. & J. Dairies. Passed
2-21-45 Milk to be pasteurized. Hagan's Dairy. Passed
2-28-45 Raw Cream. Hagan's Dairy. Passed
4-11-45 Milk to be pasteurized. Hagan's Dairy. High bacteria
4-24-45 Milk to be pasteurized. Hagan's Dairy. Passed
5-16-45 Milk to be pasteurized. Hagan's Dairy. High bacteria & temp.
5-23-45 Milk to be pasteurized. Hagan's Dairy. Passed
6-19-45 Milk to be pasteurized. Hagan's Dairy. High temperature
7-13-45 Milk to be pasteurized. Hagan's Dairy. High bacteria & temp.
9-10-45 Milk to be pasteurized. Hagan's Dairy. High bacteria & temp.

10-17-45 Milk to be pasteurized. Hagan's Dairy. High bacteria
11-28-45 Milk to be pasteurized. Hagan's Dairy. High bacteria
12-17-45 Milk to be pasteurized. Hagan's Dairy. Passed
4-11-45 Milk to be pasteurized. Hagan, Watts & Crowe. Passed
4-24-45 Milk to be pasteurized. Hagan, Watts & Crowe. High temperature
5-16-45 Milk to be pasteurized. Hagan, Watts & Crowe. Passed
6-19-45 Milk to be pasteurized. Hagan, Watts & Crowe. High bacteria
8-28-45 Milk to be pasteurized. Hagan, Watts & Crowe. High bacteria
9-10-45 Milk to be pasteurized. Hagan, Watts & Crowe. High bacteria
10-17-45 Milk to be pasteurized. Hagan, Watts & Crowe. High bacteria
11-28-45 Milk to be pasteurized. Hagan, Watts & Crowe. High bacteria
12-17-45 Milk to be pasteurized. Hagan, Watts & Crowe. High bacteria
2-21-45 Milk to be pasteurized. Jones Dairy. High bacteria
4-11-45 Milk to be pasteurized. Jones Dairy. High bacteria
4-24-45 Milk to be pasteurized. Jones Dairy. Passed
5-16-45 Milk to be pasteurized. Jones Dairy. High bacteria
5-23-45 Milk to be pasteurized. Jones Dairy. High bacteria
6-19-45 Milk to be pasteurized. Jones Dairy. High bacteria
7-31-45 Milk to be pasteurized. Jones Dairy. High bacteria
7-31-45 Milk to be pasteurized. Jones Dairy. High bacteria; low in butter fat
8-28-45 Milk to be pasteurized. Jones Dairy. High bacteria
9-10-45 Milk to be pasteurized. Jones Dairy. High temperature
10-17-45 Milk to be pasteurized. Jones Dairy. High bacteria
11-28-45 Milk to be pasteurized. Jones Dairy. High bacteria
12-17-45 Milk to be pasteurized. Jones Dairy. Passed
12-17-45 Milk to be pasteurized. S. McClain. High bacteria
8-28-45 Milk to be pasteurized. McGowen Dairy. Passed

9-10-45 Milk to be pasteurized. McGowen Dairy. High bacteria
10-17-45 Milk to be pasteurized. McGowen Dairy. Passed
11-28-45 Milk to be pasteurized. J. Miller. High bacteria; watered
2-21-45 Milk to be pasteurized. J. L. Sorrell. Passed
11-28-45 Milk to be pasteurized. Vaughn & Brown. Skimmed; high bacteria
12-17-45 Milk to be pasteurized. Vaughn & Brown. Passed
2-21-45 Milk to be pasteurized. Morgan Yelwell. Passed

OWEN COUNTY

1- 4-45 Raw Milk. H. C. Allnut. High bacteria
1-11-45 Raw Milk (3 samples). H. C. Allnut. High bacteria
1-22-45 Raw Milk (4 samples). H. C. Allnut. High bacteria

PERRY COUNTY

1-16-45 Raw Milk. Ashland Dairy, Lexington. Passed
4-18-45 Pasteurized Milk, Grade A. Ashland Dairy, Lexington. High bacteria
3- 2-45 Raw Milk to be pasteurized. Baker. High bacteria
4-18-45 Raw Milk to be pasteurized. Baker. High bacteria
4-25-45 Raw Milk to be pasteurized. Baker. High bacteria
5- 9-45 Raw Milk to be pasteurized. Baker. High bacteria
7-25-45 Raw milk to be pasteurized. Baker. High bacteria
9-19-45 Raw Milk to be pasteurized. Baker. High bacteria; watered
1-16-45 Milk to be pasteurized. Brewer. High bacteria; watered
3- 2-45 Milk to be pasteurized. Brewer. High bacteria
4-18-45 Milk to be pasteurized. Brewer. High bacteria
4-25-45 Milk to be pasteurized. Brewer. High bacteria
5- 9-45 Milk to be pasteurized. Brewer. Passed
5-30-45 Milk to be pasteurized. Brewer. High bacteria
7-25-45 Milk to be pasteurized. Brewer. High bacteria
9-19-45 Milk to be pasteurized. Brewer. High bacteria
1-16-45 Milk to be pasteurized. Childers. Passed
3- 2-45 Milk to be pasteurized. Childers. Passed
4-18-45 Milk to be pasteurized. Childers. High bacteria

4-25-45 Milk to be pasteurized. Childers. Passed
5- 9-45 Milk to be pasteurized. Childers. Passed
5-30-45 Milk to be pasteurized. Childers. High bacteria
7-23-45 Milk to be pasteurized. Childers. Passed
9-19-45 Milk to be pasteurized. Childers. High bacteria
10-11-45 Raw Milk. Ray Collins. Watered; low in fat
1-16-45 Milk to be pasteurized. Combs Dairy. Passed
5- 9-45 Milk to be pasteurized. Combs Dairy. Passed
7-23-45 Milk to be pasteurized. Combs Dairy. Passed
9-19-45 Milk to be pasteurized. Combs Dairy. High bacteria
4-18-45 Milk to be pasteurized. Deaton's Dairy. High bacteria; low in butter fat
10- 3-45 Milk to be pasteurized (No. 1). Deaton's Dairy. High bacteria; watered; low in fat
10- 3-45 Milk to be pasteurized (No. 2). Deaton's Dairy. High bacteria; low in butter fat
9-12-45 Milk to be pasteurized (No. 1). Dudley School. Passed
9-12-45 Milk to be pasteurized (No. 2). Dudley School. Passed
9-12-45 Milk to be pasteurized (No. 3). Dudley School. Passed
9-12-45 Milk to be pasteurized (No. 4). Dudley School. Passed
3-15-45 Raw Milk. Francis Farm. Low in butter fat
5-16-45 Raw Milk. Francis Farm. Passed
7- 5-45 Raw Milk. Francis Farm. High temperature
7-12-45 Raw Milk. Francis Farm. Passed
8- 8-45 Raw Milk. Francis Farm. High bacteria
10-11-45 Raw Milk, Grade A. Francis Farm. High bacteria
7-12-45 Raw Milk, Grade A. Meadowbrook Godsey. High bacteria
8-29-45 Raw Milk, Grade A. Meadowbrook Godsey. Passed
3-15-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria; underpasturized
4-12-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria; underpasteurized
4-18-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria

4-25-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria

5- 2-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria

5-16-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. Passed

5-30-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria

7- 5-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. Underpasturized

7-12-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. Underpasteurized; high bacteria

7-18-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria; underpasturized

7-18-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria

7-25-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. Underpasteurized; high bacteria

8- 1-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria; watered

8- 1-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria

8- 8-45 Pasteurized Milk, Grade A (3). Hazard Ice Cream Co. High bacteria

8-22-45 Pasteurized Milk, Grade A (2). Hazard Ice Cream Co. High bacteria

8-29-45 Pasteurized Milk, Grade A (2). Hazard Ice Cream Co. High bacteria

9- 5-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria

9-12-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria

9-19-45 Pasteurized Milk, Grade A (2). Hazard Ice Cream Co. High bacteria

10- 3-45 Pasteurized Milk, Grade A (2). Hazard Ice Cream Co. Passed

10-11-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria

10-24-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High temperature; underpasteurized

10-24-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High temperature
10-31-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria
10-31-45 Pasteurized Milk, Grade A. Hazard Ice Cream Co. High bacteria; watered
11-23-45 Pasteurized Milk, Grade A (2). Hazard Ice Cream Co. High bacteria
11-29-45 Pasteurized Milk, Grade A (2). Hazard Ice Cream Co. High bacteria
1-16-45 Milk to be pasteurized. Home Ice Co. Passed
4-18-45 Pasteurized Milk, Grade A. Home Ice Co. High bacteria
5- 2-45 Pasteurized Milk. Home Ice Co. High bacteria
3-15-45 Raw Milk, Grade A. Homeplace Dairy. Passed
4-12-45 Raw Milk, Grade A. Homeplace Dairy. Passed
4-25-45 Raw Milk, Grade A. Homeplace Dairy. Passed
5-16-45 Raw Milk, Grade A. Homeplace Dairy. Passed
5-30-45 Raw Milk, Grade A. Homeplace Dairy. Passed
7- 5-45 Raw Milk, Grade A. Homeplace Dairy. High temperature
7-12-45 Raw Milk, Grade A. Homeplace Dairy. Passed
7-18-45 Raw Milk, Grade A. Homeplace Dairy. Passed
7-23-45 Raw Milk, Grade A. Homeplace Dairy. Passed
8- 1-45 Raw Milk, Grade A. Homeplace Dairy. High bacteria
8- 8-45 Raw Milk, Grade A. Homeplace Dairy. Passed
8-22-45 Raw Milk, Grade A. Homeplace Dairy. Passed
8-29-45 Raw Milk, Grade A. Homeplace Dairy. Passed
9- 5-45 Raw Milk, Grade A. Homeplace Dairy. High bacteria
9-12-45 Raw Milk, Grade A. Homeplace Dairy. Passed
10- 3-45 Raw Milk, Grade A. Homeplace Dairy. Passed
10-11-45 Raw Milk, Grade A. Homeplace Dairy. Passed
10-24-45 Raw Milk, Grade A. Homeplace Dairy. High temperature
10-31-45 Raw Milk, Grade A. Homeplace Dairy. Watered
11-23-45 Raw Milk, Grade A. Homeplace Dairy. Passed
11-29-45 Raw Milk, Grade A. Homeplace Dairy. Passed
4-18-45 Milk to be pasteurized. Joseph Dairy. High bacteria

5- 9-45 Milk to be pasteurized. Joseph Dairy. High bacteria
10-11-45 Milk to be pasteurized. L. Keith. High bacteria; low in butter fat
4-18-45 Milk to be pasteurized. Melton Dairy. High bacteria; low in butterfat
1-16-45 Milk to be pasteurized. Napier Dairy. High bacteria; watered
3- 2-45 Milk to be pasteurized. Napier Dairy. Passed
4-25-45 Milk to be pasteurized. Napier Dairy. High bacteria
6- 9-45 Milk to be pasteurized. Napier Dairy. High bacteria
7-23-45 Milk to be pasteurized. Napier Dairy. High bacteria
9-19-45 Milk to be pasteurized. Napier Dairy. High bacteria
3-15-45 Pasteurized Milk. Perry Co. Co-op. High bacteria; low in butter fat; watered
4-12-45 Pasteurized Milk. Perry Co. Co-op. High bacteria
4-25-45 Pasteurized Milk. Perry Co. Co-op. High bacteria
5- 2-45 Pasteurized Milk. Perry Co. Co-op. Passed
5- 9-45 Pasteurized Milk. Perry Co. Co-op. Underpasteurized
5-16-45 Pasteurized Milk. Perry Co. Co-op. Passed
5-30-45 Pasteurized Milk. Perry Co. Co-op. High bacteria
7- 5-45 Pasteurized Milk. Perry Co. Co-op. High temperature
7-12-45 Pasteurized Milk. Perry Co. Co-op. Watered
7-18-45 Pasteurized Milk. Perry Co. Co-op. Watered
8- 1-45 Pasteurized Milk. Perry Co. Co-op. High bacteria
8- 8-45 Pasteurized Milk. Perry Co. Co-op. High bacteria
8-22-45 Pasteurized Milk. Perry Co. Co-op. High bacteria
8-29-45 Pasteurized Milk. Perry Co. Co-op. High bacteria; underpasteurized
9- 2-45 Pasteurized Milk. Perry Co. Co-op. High bacteria; watered
9-12-45 Pasteurized Milk. Perry Co. Co-op. High bacteria
10- 3-45 Pasteurized Milk. Perry Co. Co-op. High bacteria
10-11-45 Pasteurized Milk. Perry Co. Co-op. High bacteria

10-24-45 Pasteurized Milk. Perry Co. Co-op. High temperature
10-31-45 Pasteurized Milk. Perry Co. Co-op. High bacteria
11-23-45 Pasteurized Milk. Perry Co. Co-op. High bacteria
11-29-45 Pasteurized Milk. Perry Co. Co-op. High bacteria
3-15-45 Raw Milk, Grade A. Riverbend Dairy. High bacteria
5- 2-45 Raw Milk, Grade A. Riverbend Dairy. High bacteria
5-30-45 Raw Milk, Grade A. Riverbend Dairy. High bacteria
7-12-45 Raw Milk, Grade A. Riverbend Dairy. Passed
9- 5-45 Raw Milk, Grade A. Riverbend Dairy. Passed
9-19-45 Raw Milk, Grade A. Riverbend Dairy. Passed
10-31-45 Raw Milk, Grade A. Riverbend Dairy. Passed
11-29-45 Raw Milk, Grade A. Riverbend Dairy. High bacteria
1-16-45 Milk to be pasteurized. White Oak. Passed
3- 2-45 Milk to be pasteurized. White Oak. Passed
7- 5-45 Milk to be pasteurized. Henry Williams. High temperature
4-25-45 Milk to be pasteurized. Wooton's Farm. High bacteria; low in butter fat
5- 9-45 Milk to be pasteurized. Wooton's Dairy. High bacteria; low in butter fat

PULASKI COUNTY

1-24-45 Milk to be pasteurized. A. J. Colyer. High bacteria
2-14-45 Milk to be pasteurized. A. J. Colyer. Passed
3-15-45 Milk to be pasteurized. A. J. Colyer. Passed
4- 4-45 Milk to be pasteurized. A. J. Colyer. Passed
5-16-45 Milk to be pasteurized. A. J. Colyer. High bacteria
6- 7-45 Milk to be pasteurized. A. J. Colyer. Passed
7-12-45 Milk to be pasteurized. A. J. Colyer. High bacteria
8- 7-45 Milk to be pasteurized. A. J. Colyer. Passed
9-11-45 Milk to be pasteurized. A. J. Colyer. Passed
10-16 45 Milk to be pasteurized. A. J. Colyer. Passed
11- 6-45 Milk to be pasteurized. A. J. Colyer. High bacteria
1-24-45 Milk to be pasteurized. D. Cundiff. Passed
2-14-45 Milk to be pasteurized. D. Cundiff. Passed

3-15-45	Milk to be pasteurized.	D. Cundiff.	Passed
4- 4-45	Milk to be pasteurized.	D. Cundiff.	Passed
5-16-45	Milk to be pasteurized.	D. Cundiff.	Passed
6- 7-45	Milk to be pasteurized.	D. Cundiff.	Passed
7-12-45	Milk to be pasteurized.	D. Cundiff.	Passed
8- 7-45	Milk to be pasteurized.	D. Cundiff.	Passed
9-11-45	Milk to be pasteurized.	D. Cundiff.	Passed
10-16-45	Milk to be pasteurized.	D. Cundiff.	High bacteria
11- 6-45	Milk to be pasteurized.	D. Cundiff.	Passed
1-24-45	Milk to be pasteurized.	O. Gosser.	Passed
2-14-45	Milk to be pasteurized.	O. Gosser.	Passed
3-15-45	Milk to be pasteurized.	O. Gosser.	Passed
4- 4-45	Milk to be pasteurized.	O. Gosser.	Passed
5-16-45	Milk to be pasteurized.	O. Gosser.	High bacteria
7- 7-45	Milk to be pasteurized.	O. Gosser.	Passed
7-12-45	Milk to be pasteurized.	O. Gosser.	Passed
8- 7-45	Milk to be pasteurized.	O. Gosser.	High bacteria
9-11-45	Milk to be pasteurized.	O. Gosser.	Passed
10-16-45	Milk to be pasteurized.	O. Gosser.	Passed
11- 6-45	Milk to be pasteurized.	O. Gosser.	Passed
1-24-45	Milk to be pasteurized.	B. Gragg.	Passed
2-14-45	Milk to be pasteurized.	B. Gragg.	Passed
3-15-45	Milk to be pasteurized.	B. Gragg.	Passed
4- 4-45	Milk to be pasteurized.	B. Gragg.	Passed
5-16-45	Milk to be pasteurized.	B. Gragg.	Passed
6- 7-45	Milk to be pasteurized.	B. Gragg.	Passed
7-12-45	Milk to be pasteurized.	B. Gragg.	Passed
9-11-45	Milk to be pasteurized.	B. Gragg.	Passed
11- 6-45	Milk to be pasteurized.	B. Gragg.	High bacteria
8- 7-45	Milk to be pasteurized.	W. Harper.	Passed
9-11-45	Milk to be pasteurized.	W. Harper.	Passed
10-16-45	Milk to be pasteurized.	W. Harper.	Low in butter fat
11- 6-45	Milk to be pasteurized.	W. Harper.	Passed
1-24-45	Milk to be pasteurized.	G. R. Hurt.	Passed
2-14-45	Milk to be pasteurized.	G. R. Hurt.	Passed
3-15-45	Milk to be pasteurized.	G. R. Hurt.	Passed
4- 4-45	Milk to be pasteurized.	G. R. Hurt.	Passed
5-16-45	Milk to be pasteurized.	G. R. Hurt.	Passed

6- 7-45 Milk to be pasteurized. G. R. Hurt. Passed
7-12-45 Milk to be pasteurized. G. R. Hurt. Passed
8- 7-45 Milk to be pasteurized. G. R. Hurt. Passed
1-24-45 Pasteurized Milk. Jack Lawson. Passed
2-14-45 Pasteurized Milk. Jack Lawson. High bacteria
3-15-45 Pasteurized Milk. Jack Lawson. Watered
4- 4-45 Pasteurized Milk. Jack Lawson. High bacteria
5-16-45 Pasteurized Milk. Jack Lawson. Passed
6- 7-45 Pasteurized Milk. Jack Lawson. Passed
7-12-45 Pasteurized Milk. Jack Lawson. Passed
8- 7-45 Pasteurized Milk. Jack Lawson. High bacteria; watered
1-24-45 Milk to be pasteurized. G. Loveless. Low in butter fat
2-14-45 Milk to be pasteurized. G. Loveless. Passed
3-15-45 Milk to be pasteurized. G. Loveless. Passed
4- 4-45 Milk to be pasteurized. G. Loveless. Passed
5-16-45 Milk to be pasteurized. G. Loveless. Passed
6- 7-45 Milk to be pasteurized. G. Loveless. Passed
7-12-45 Milk to be pasteurized. G. Loveless. Passed
8- 7-45 Milk to be pasteurized. G. Loveless. Passed
9-11-45 Milk to be pasteurized. G. Loveless. Passed
10-16-45 Milk to be pasteurized. G. Loveless. Passed
11- 6-45 Milk to be pasteurized. G. Loveless. Passed
1-24-45 Milk to be pasteurized. A. J. Miller. Watered
2-14-45 Milk to be pasteurized. A. J. Miller. Passed
3-15-45 Milk to be pasteurized. A. J. Miller. Passed
4- 4-45 Milk to be pasteurized. A. J. Miller. Passed
5-16-45 Milk to be pasteurized. A. J. Miller. Passed
6- 7-45 Milk to be pasteurized. A. J. Miller. Passed
7-12-45 Milk to be pasteurized. A. J. Miller. Passed
8- 7-45 Milk to be pasteurized. A. J. Miller. Passed
9-11-45 Milk to be pasteurized. A. J. Miller. Passed
10-16-45 Milk to be pasteurized. A. J. Miller. Passed
11- 6-45 Milk to be pasteurized. A. J. Miller. Passed
1-24-45 Milk to be pasteurized. Charles Roberts. Passed
2-14-45 Milk to be pasteurized. Charles Roberts. Passed
3-15-45 Milk to be pasteurized. Charles Roberts. Passed
4- 4-45 Milk to be pasteurized. Charles Roberts. High bacteria

5-16-45 Milk to be pasteurized. Charles Roberts. High bacteria
7- 7-45 Milk to be pasteurized. Charles Roberts. Passed
7-12-45 Milk to be pasteurized. Charles Roberts. Passed
8- 7-45 Milk to be pasteurized. Charles Roberts. Passed
9-11-45 Milk to be pasteurized. Charles Roberts. Passed
10-16-45 Milk to be pasteurized. Charles Roberts. Passed
11- 6-45 Milk to be paseturized. Charles Roberts. Passed
1-24-45 Milk to be pasteurized. T. Sears. Passed
2-14-45 Milk to be pasteurized. T. Sears. Passed
3-15-45 Milk to be pasteurized. T. Sears. Passed
4- 4-45 Milk to be pasteurized. T. Sears. Passed
5-16-45 Milk to be pasteurized. T. Sears. Passed
6- 7-45 Milk to be pasteurized. T. Sears. Passed
7-12-45 Milk to be pasteurized. T. Sears. Passed
8- 7-45 Milk to be pasteurized. T. Sears. Low in butter fat
9-11-45 Milk to be pasteurized. T. Sears. Passed
10-16-45 Milk to be pasteurized. T. Sears. Passed
11- 6-45 Milk to be pasteurized. T. Sears. Passed
1-24-45 Milk to be pasteurized. Beecher Smith. Passed
2-14-45 Milk to be pasteurized. Beecher Smith. Passed
3-15-45 Milk to be pasteurized. Beecher Smith. Passed
4- 4-45 Milk to be pasteurized. Beecher Smith. Passed
5-16-45 Milk to be pasteurized. Beecher Smith. Passed
6- 7-45 Milk to be pasteurized. Beecher Smith. Passed
7-12-45 Milk to be pasteurized. Beecher Smith. Passed
8- 7-45 Milk to be pasteurized. Beecher Smith. Passed
9-11-45 Milk to be pasteurized. Beecher Smith. Passed
10-16-45 Milk to be pasteurized. Beecher Smith. Passed
1-24-45 Pasteurized Milk. Somerset Creamery. High bacteria
2-14-45 Pasteurized Milk. Somerset Creamery. Passed
3-15-45 Pasteurized Milk. Somerset Creamery. Passed
4- 4-45 Pasteuriezd Milk. Somerset Creamery. Passed
5-16-45 Pasteurized Milk. Somerset Creamery. High bacteria
6- 7-45 Pasteurized Milk. Somerset Creamery. Passed
7-12-45 Pasteurized Milk. Somerset Creamery. Passed
8- 7-45 Pasteurized Milk. Somerset Creamery. High bacteria

9-11-45 Pasteurized Milk. Somerset Creamery. Passed
11- 6-45 Pasteurized Milk. Somerset Creamery. Passed
1-24-45 Milk to be pasteurized. J. Yahnig. Passed
2-14-45 Milk to be pasteurized. J. Yahnig. Passed
3-15-45 Milk to be pasteurized. J. Yahnig. Passed
4- 4-45 Milk to be pasteurized. J. Yahnig. Passed
5-16-45 Milk to be pasteurized. J. Yahnig. Passed
6- 7-45 Milk to be pasteurized. J. Yahnig. Passed
7-12-45 Milk to be pasteurized. J. Yahnig. High bacteria
8- 7-45 Milk to be pasteurized. J. Yahnig. Passed
9-11-45 Milk to be pasteurized. J. Yahnig. Passed
10-15-45 Milk to be pasteurized. J. Yahnig. Passed
11- 6-45 Milk to be pasteurized. J. Yahnig. Passed

ROWAN COUNTY

1-31-45 Milk to be pasteurized. Brown. Passed
2-20-45 Milk to be pasteurized. Brown. Passed
1-31-45 Milk to be pasteurized. Carpenter. Passed
3-26-45 Milk to be pasteurized. Daulton. High bacteria
4-18-45 Milk to be pasteurized. Daulton. Low in butter fat
1-31-45 Milk to be pasteurized. Dickerson. Passed
2-20-45 Milk to be pasteurized. Dickerson. Passed
6-20-45 Milk to be pasteurized. Dickerson. High bacteria
1-31-45 Milk to be pasteurized. Epperhart. Passed
2-20-45 Milk to be pasteurized. Epperhart. Low in butter fat
3-25-45 Milk to be pasteurized. Epperhart. High bacteria
4-18-45 Milk to be pasteurized. Epperhart. Passed
1-31-45 Milk to be pasteurized. Eldridge. High bacteria
2-20-45 Milk to be pasteurized. Eldridge. High bacteria
3-26-45 Milk to be pasteurized. Eldridge. High bacteria
4-18-45 Milk to be pasteurized. Eldridge. Passed
3-26-45 Milk to be pasteurized. Greenwade. High bacteria
4-18-45 Milk to be pasteurized. Greenwade. Passed
6-20-45 Milk to be pasteurized. Greenwade. High bacteria
8- 8-45 Milk to be pasteurized. Greenwade. High bacteria
3-26-45 Milk to be pasteurized. Highley. High bacteria
4-18-45 Milk to be pasteurized. Highley. Passed
6-20-45 Milk to be pasteurized. Highley. Passed
8- 8-45 Milk to be pasteurized. Highley. High bacteria

1-31-45 Milk to be pasteurized. Horton. Passed
2-20-45 Milk to be pasteurized. Horton. Passed
3-26-45 Milk to be pasteurized. Horton. High bacteria
4-18-45 Milk to be pasteurized. Horton. Watered
1-31-45 Milk to be pasteurized. Hurst. Passed
2-20-45 Milk to be pasteurized. Hurst. Passed
3-26-45 Milk to be pasteurized. Hurst. High bacteria
4-18-45 Milk to be pasteurized. Hurst. Passed
3-26-45 Milk to be pasteurized. Marshall. High bacteria
4-18-45 Milk to be pasteurized. Marshall. High bacteria
6-20-45 Milk to be pasteurized. Marshall. High bacteria
8- 8-45 Milk to be pasteurized. Marshall. High bacteria
3-26-45 Milk to be pasteurized. Moore. High bacteria
4-18-45 Milk to be pasteurized. Moore. High bacteria
1-31-45 Milk to be pasteurized. Muse. Passed
2-20-45 Milk to be pasteurized. Muse. Passed
3-26-45 Milk to be pasteurized. Muse. Passed
4-18-45 Milk to be pasteurized. Muse. Passed
4-18-45 Milk to be pasteurized. Patron No. 44. Passed
2-20-45 Milk to be pasteurized. Preston. High bacteria
1-31-45 Pasteurized Milk. Red Rose Dairy. Passed
2-20-45 Pasteurized Milk. Red Rose Dairy. Passed
3-26-45 Pasteurized Milk. Red Rose Dairy. Passed
4-18-45 Pasteurized Milk. Red Rose Dairy. Low in butter fat
6-20-45 Pasteurized Milk. Red Rose Dairy. Passed
1-31-45 Milk to be pasteurized. Saunders & Lewis. Passed
2-20-45 Milk to be pasteurized. Saunders & Lewis. Passed
1-31-45 Milk to be pasteurized. W. P. Saunders. Passed
2-20-45 Milk to be pasteurized. W. P. Saunders. Passed
3-26-45 Milk to be pasteurized. W. P. Saunders. Passed
4-18-45 Milk to be pasteurized. W. P. Saunders. Passed
1-31-45 Milk to be pasteurized. Sexton. Passed
2-20-45 Milk to be pasteurized. Sexton. High bacteria
1-31-45 Milk to be pasteurized. Spring Grove Dairy. Passed
2-20-45 Milk to be pasteurized. Spring Grove Dairy. Passed
3-26-45 Milk to be pasteurized. Spring Grove Dairy. High bacteria
4-18-45 Milk to be pasteurized. Spring Grove Dairy. Passed

6-20-45 Milk to be pasteurized. Spring Grove Dairy. High bacteria
8- 8-45 Milk to be pasteurized. Spring Grove Dairy. High bacteria
1-31-45 Pasteurized Milk. Spring Grove Dairy. High bacteria
2-20-45 Pasteurized Milk. Spring Grove Dairy. High bacteria
3-26-45 Pasteurized Milk. Spring Grove Dairy. Passed
4-18-45 Pasteurized Milk. Spring Grove Dairy. High bacteria; watered
6-20-45 Pasteurized Milk. Spring Grove Dairy. High bacteria
8- 8-45 Pasteurized Milk. Spring Grove Dairy. Passed
1-31-45 Milk to be pasteurized. Donald Taylor. Passed
2-20-45 Milk to be pasteurized. Donald Taylor. Passed
3-26-45 Milk to be pasteurized. Donald Taylor. High bacteria
4-18-45 Milk to be pasteurized. Donald Taylor. Passed
1-31-45 Milk to be pasteurized. H. F. Taylor. Passed
2-20-45 Milk to be pasteurized. H. F. Taylor. Passed
3-26-45 Milk to be pasteurized. H. F. Taylor. High bacteria
4-18-45 Milk to be pasteurized. H. F. Taylor. Passed

SCOTT COUNTY

1-24-45 Milk to be pasteurized. Anderson & Tate. Passed
2-20-45 Milk to be pasteurized. Anderson & Tate. Passed
3-20-45 Milk to be pasteurized. Anderson & Tate. High bacteria
4-26-45 Milk to be pasteurized. Anderson & Tate. Passed
5-24-45 Milk to be pasteurized. Anderson & Tate. Passed
6-28-45 Milk to be pasteurized. Anderson & Tate. High bacteria
1-24-45 Milk to be pasteurized. Antle Dairy. Passed
2-20-45 Milk to be pasteurized. Antle Dairy. High bacteria
3-20-45 Milk to be pasteurized. Antle Dairy. High bacteria
4-26-45 Milk to be pasteurized. Antle Dairy. High bacteria
5- 8-45 Milk to be pasteurized. Antle Dairy. High bacteria
5-24-45 Milk to be pasteurized. Antle Dairy. Passed

6-28-45 Milk to be pasteurized. Antle Dairy. High bacteria
10-31-45 Milk to be pasteurized. Antle Dairy. High bacteria
1-24-45 Milk to be pasteurized. Blue Spring. Passed
2-20-45 Milk to be pasteurized. Blue Spring. High bacteria
3-20-45 Milk to be pasteurized. Blue Spring. High bacteria
4-26-45 Milk to be pasteurized. Blue Spring. High bacteria
1-24-45 Milk to be pasteurized. Claxon. Passed
2-20-45 Milk to be pasteurized. Claxon. Passed
3-20-45 Milk to be pasteurized. Claxon. High bacteria
4-26-45 Milk to be pasteurized. Claxon. High bacteria
5-24-45 Milk to be pasteurized. Claxon. High bacteria
10-31-45 Milk to be pasteurized. Claxon. Watered
11-28-45 Milk to be pasteurized. Claxon. Watered
2-20-45 Milk to be pasteurized. Hayden & Hamilton. High bacteria
3-20-45 Milk to be pasteurized. Hayden & Hamilton. High bacteria
1-24-45 Milk to be pasteurized. Hayden. Passed
4-26-45 Milk to be pasteurized. Hayden. High bacteria
5-24-45 Milk to be pasteurized. Hayden. Passed
6-28-45 Milk to be pasteurized. Hayden. High bacteria; low in butter fat
9-13-45 Milk to be pasteurized. Hayden. Passed
10-31-45 Milk to be pasteurized. Hayden. High bacteria; watered; low in butter fat
11-28-45 Milk to be pasteurized. Hayden. Low in butter fat
1-24-45 Milk to be pasteurized. Home Ice & Dairy. Passed
2-20-45 Milk to be pasteurized. Home Ice & Dairy. High bacteria
3-20-45 Milk to be pasteurized. Home Ice & Dairy. High bacteria
4-26-45 Milk to be pasteurized. Home Ice & Dairy. Passed
5-24-45 Milk to be pasteurized. Home Ice & Dairy. Passed
5-31-45 Milk to be pasteurized. Home Ice & Dairy. Passed
6-28-45 Milk to be pasteurized. Home Ice & Dairy. Passed
8-14-45 Milk to be pasteurized. Home Ice & Dairy. Passed
11-28-45 Milk to be pasteurized. Humphrey. Passed
1-24-45 Pasteurized Milk. Home Ice & Dairy Co. High bacteria

2-20-45 Pasteurized Milk. Home Ice & Dairy Co. High bacteria
3-20-45 Pasteurized Milk. Home Ice & Dairy Co. High bacteria
5- 9-45 Pasteurized Milk. Home Ice & Dairy Co. High bacteria
4-26-45 Pasteurized Milk. Home Ice & Dairy Co. High bacteria
5-24-45 Pasteurized Milk. Home Ice & Dairy Co. Passed
5-31-45 Pasteurized Milk. Home Ice & Dairy Co. High bacteria
6-28-45 Pasteurized Milk. Home Ice & Dairy Co. High bacteria
8-14-45 Pasteurized Milk. Home Ice & Dairy Co. High bacteria
9-13-45 Pasteurized Milk. Home Ice & Dairy Co. High bacteria
10-31-45 Pasteurized Milk. Home Ice & Dairy Co. High bacteria
11-28-45 Pasteurized Milk. Home Ice & Dairy Co. Passed
1-24-45 Milk to be pasteurized. Kravetz. High bacteria
2-20-45 Milk to be pasteurized. Kravetz. High bacteria
3-20-45 Milk to be pasteurized. Kravetz. High bacteria
4-26-45 Milk to be pasteurized. Kravetz. High bacteria
5-24-45 Milk to be pasteurized. Kravetz. High bacteria
6-28-45 Milk to be pasteurized. Kravetz. High bacteria
9-13-45 Milk to be pasteurized. Kravetz. High bacteria
10-31-45 Milk to be pasteurized. Kravetz. Passed
11-28-45 Milk to be pasteurized. Kravetz. High bacteria
1-24-45 Milk to be pasteurized. Lancaster. High bacteria
2-20-45 Milk to be pasteurized. Lancaster. Passed
3-20-45 Milk to be pasteurized. Lancaster. High bacteria
4-26-45 Milk to be pasteurized. Lancaster. High bacteria
5-31-45 Milk to be pasteurized. Lancaster. High bacteria
6-28-45 Milk to be pasteurized. Lancaster. High bacteria
9-13-45 Milk to be pasteurized. Lancaster. High bacteria
10-31-45 Milk to be pasteurized. Lancaster. Passed
11-28-45 Milk to be pasteurized. Lancaster. Passed
4-26-45 Milk to be pasteurized. Lebus. High bacteria; low in butter fat

5-24-45 Milk to be pasteurized. Lebus. High bacteria; low in butter fat; watered
6-28-45 Milk to be pasteurized. Lebus. High bacteria
9-13-45 Milk to be pasteurized. Lebus. High bacteria; low in butter fat
10-31-45 Milk to be pasteurized. Lebus. High bacteria; low in butter fat
11-28-45 Milk to be pasteurized. Lebus. High bacteria
1-24-45 Milk to be pasteurized. Lemon Dairy. Passed
2-20-45 Milk to be pasteurized. Lemon Dairy. Passed
3-20-45 Milk to be pasteurized. Lemon Dairy. High bacteria
4-26-45 Milk to be pasteurized. Lemon Dairy. High bacteria
5-24-45 Milk to be pasteurized. Lemon Dairy. Passed
6-28-45 Milk to be pasteurized. Lemon Dairy. High bacteria
9-13-45 Milk to be pasteurized. Lemon Dairy. High bacteria
1-24-45 Milk to be pasteurized. Lovell Dairy. Passed
2-20-45 Milk to be pasteurized. Lovell Dairy. High bacteria
3-20-45 Milk to be pasteurized. Lovell Dairy. Passed
4-26-45 Milk to be pasteurized. Lovell Dairy. High bacteria
5-24-45 Milk to be pasteurized. Lovell Dairy. High bacteria
6-28-45 Milk to be pasteurized. Lovell Dairy. Passed
9-13-45 Milk to be pasteurized. Lovell Dairy. High bacteria
10-31-45 Milk to be pasteurized. Lovell Dairy. High bacteria
11-28-45 Milk to be pasteurized. Lovell Dairy. Passed
1-24-45 Milk to be pasteurized. Power Dairy. High bacteria
3-20-45 Milk to be pasteurized. Power Dairy. High bacteria
4-26-45 Milk to be pasteurized. Power Dairy. High bacteria
5-24-45 Milk to be pasteurized. Power Dairy. High bacteria
6-28-45 Milk to be pasteurized. Power Dairy. Low in butter-fat
9-13-45 Milk to be pasteurized. Power Dairy. High bacteria
10-31-45 Milk to be pasteurized. Power Dairy. High bacteria
11-28-45 Milk to be pasteurized. Power Dairy. High bacteria
10-31-45 Milk to be pasteurized. G. Sharp. High bacteria
5-24-45 Milk to be pasteurized. B. H. Story. Passed
5-31-45 Milk to be pasteurized. B. H. Story. Passed
6-28-45 Milk to be pasteurized. B. H. Story. High bacteria
9-13-45 Milk to be pasteurized. B. H. Story. Passed
10-31-45 Milk to be pasteurized. B. H. Story. Passed

5-24-45 Milk to be pasteurized. W. C. Story. Passed
5-31-45 Milk to be pasteurized. W. C. Story. High bacteria
6-28-45 Milk to be pasteurized. W. C. Story. High bacteria
9-13-45 Milk to be pasteurized. W. C. Story. Passed
10-31-45 Milk to be pasteurized. W. C. Story. High bacteria
1-24-45 Milk to be pasteurized. Story & Son. Passed
2-20-45 Milk to be pasteurized. Story & Son. Passed
3-20-45 Milk to be pasteurized. Story & Son. Passed
4-26-45 Milk to be pasteurized. Story & Son. Passed
11-26-45 Milk to be pasteurized. Story & Son. Passed
11-27-45 Milk to be pasteurized. Story & Son. Passed
11-28-45 Milk to be pasteurized. Story & Son. Passed
11-29-45 Milk to be pasteurized. Story & Son. Passed
1-24-45 Milk to be pasteurized. Tally-Ho. Passed
2-20-45 Milk to be pasteurized. Tally-Ho. Passed
10-31-45 Milk to be pasteurized. Warring Bros. High bacteria
11-28-45 Milk to be pasteurized. Warring Bros. High bacteria

SHELBY COUNTY

9-10-45 Raw Milk. Lindsey Batts. High bacteria
10 -1-45 Raw Milk. Lindsey Batts. Passed
10-23-45 Raw Milk. Lindsey Batts. Passed
11-27-45 Raw Milk. Lindsey Batts. High bacteria
12-18-45 Raw Milk. Linsely Batts. High bacteria
1-23-45 Raw Cream. Baird's Dairy. High bacteria
1-23-45 Raw Milk. Baird's Dairy. High bacteria
2 -7-45 Raw Milk. Baird's Dairy. High bacteria
2 -7-45 Raw Cream. Baird's Dairy. High bacteria
2-21-45 Raw Cream. Baird's Dairy. High bacteria
3-12-45 Raw Cream. Baird's Dairy. High bacteria
3-28-45 Raw Cream. Baird's Dairy. High bacteria
2-28-45 Raw Milk. Baird's Dairy. Passed
4-12-45 Raw Milk. Baird's Dairy. Passed
4-24-45 Raw Milk. Baird's Dairy. Passed
5 -8-45 Raw Milk. Baird's Dairy. Passed
5 -8-45 Raw Milk. Baird's Dairy. Passed
5-23-45 Raw Milk. Baird's Dairy. Passed
6-13-45 Raw Milk. Baird's Dairy. Passed
7-12-45 Raw Milk. Baird's Dairy. High bacteria

8 -1-45 Raw Milk. Baird's Dairy. Passed
9-10-45 Raw Milk. Baird's Dairy. High bacteria
10- 9-45 Raw Milk, Grade A. Baird's Dairy. High bacteria
11 -5-45 Raw Milk, Grage A. Baird's Dairy. Passed
11- -4-45 Raw Milk, Grade A. Baird's Dairy. Low in butter fat
12-18-45 Raw Milk, Grade A. Baird's Dairy. High bacteria
2-14-45 Raw Milk. C. B. Caudill. Passed
10 -1-45 Raw Milk. Walter Cox. High bacteria
10-23-45 Raw Milk. Walter Cox. Passed
11 -9-45 Raw Milk. Walter Cox. High bacteria
11-27-45 Raw Milk. Walter Cox. High bacteria
1-23-45 Raw Milk. Demaree Brothers. High bacteria
2 -7-45 Raw Milk. Demaree Brothers. High bacteria
4-12-45 Raw Milk. Demaree Brothers. High bacteria
7-16-45 Raw Milk. Demaree Brothers. High bacteria
1-23-45 Pasteurized Milk. Green's Dairy. Passed
1-23-45 Pasteurized Cream. Green's Dairy. Underpasteurized. High bacteria. Low in butter fat
2 -7-45 Pasteurized Cream. Green's Dairy. Low in butter fat
2 -7-45 Pasteurized Milk. Green's Dairy. Passed
4-12-45 Pasteurized Milk. Green's Dairy. Passed
5 -8-45 Pasteurized Milk. Green's Dairy. Passed
5 -8-45 Pasteurized Cream. Green's Dairy. Underpasteurized
5-23-45 Pasteurized Milk. Green's Dairy. Passed
5-23-45 Raw Milk. Green's Dairy. High bacteria
6-13-45 Pasteurized Milk. Green's Dairy. High bacteria
7-16-45 Pasteurized Milk. Green's Dairy. Low in butter fat High bacteria
8 -1-45 Pasteurized Milk. Green's Dairy. Low in butter fat
9-10-45 Pasteurized Milk. Green's Dairy. High bacteria
10 -9-45 Pasteurized Milk, Grade A. Green's Dairy. Passed
11 -5-45 Pasteurized Milk, Grade A. Green's Dairy. High bacteria
12 -4-45 Pasteurized Milk, Grade A. Green's Dairy. High bacteria

12-18-45 Pasteurized Milk, Grade A. Green's Dairy. High bacteria
10- 1-45 Milk to be pasteurized. Sol Hopkins. High bacteria; skimmed
10-30-45 Milk to be pasteurized. Sol Hopkins. High bacteria
1-23-45 Raw Milk. Wm. Hopkins. High bacteria
2-14-45 Raw Milk. Wm. Hopkins. High bacteria
4-12-45 Raw Milk. Wm. Hopkins. Low in butter fat
5-23-45 Raw Milk. Wm. Hopkins. High bacteria. Low in butter fat
7-16-45 Raw Milk. Wm. Hopkins. High bacteria. Low in butter fat
9-10-45 Raw Milk. Wm. Hopkins. Low in butter fat
10-30-45 Milk to be pasteurized. Wm. Hopkins. Passed
10-30-45 Milk to be pasteurized. Wm. Hopkins. Low in butter fat
11-27-45 Milk to be pasteurized. Wm. Hopkins. Low in butter fat
11-27-45 Milk to be pasteurized. Wm. Hopkins. Passed
11-27-45 Milk to be pasteurized. Wm. Hopkins. Low in butter fat
1-23-45 Raw Milk. J. T. McGinnis. Passed
1-23-45 Raw Milk. J. T. McGinnis. High bacteria
2 -7-45 Raw Milk. J. T. McGinnis. High bacteria
3-28-45 Raw Milk. J. T. McGinnis. Passed
4-12-45 Raw Milk. J. T. McGinnis. High bacteria
5 -8-45 Raw Milk. J. T. McGinnis. Passed
6-13-45 Raw Milk. J. T. McGinnis. High bacteria
1-23-45 Pasteurized Milk. Maple Grove. Passed
1-23-45 Pasteurized Cream. Maple Grove. High bacteria
2 -7-45 Pasteurized Cream. Maple Grove. High bacteria
2 -7-45 Pasteurized Milk. Maple Grove. High bacteria
2-14-45 Pasteurized Milk (No. 1). Maple Grove. High bacteria. Low in butter fat
2-14-45 Pasteurized Milk (No. 2). Maple Grove. Passed
2-14-45 Pasteurized Cream. Maple Grove. High bacteria
3-28-45 Pasteurized Cream. Maple Grove. High bacteria
3-28-45 Pasteurized Milk. Maple Grove. Passed
4-12-45 Pasteurized Milk. Maple Grove. Passed

4-12-45 Pasteurized Cream. Maple Grove. Low in butter fat
4-24-45 Pasteurized Cream. Maple Grove. High bacteria
4-24-45 Pasteurized Milk. Maple Grove. Passed
5 -8-45 Pasteurized Milk. Maple Grove. Passed
5-23-45 Pasteurized Milk. Maple Grove. Passed
6-13-45 Pasteurized Milk. Maple Grove. Passed
6-13-45 Pasteurized Cream. Maple Grove. High bacteria. Low in butter fat
7-12-45 Pasteurized Cream. Maple Grove. High bacteria Low in butter fat
7-12-45 Pasteurized Milk. Maple Grove. Passed
7-16-45 Raw Milk. Maple Grove. Low in butter fat
8 -1-45 Pasteurized Milk. Maple Grove. Passed
9-10-45 Pasteurized Milk. Maple Grove. Passed
10 -9-45 Pasteurized Milk, Grade A. Maple Grove. Low in butter fat
11 -5-45 Pasteurized Milk, Grade A. Maple Grove. passed
12- -4-45 Whipping Cream, Grade A. Maple Grove. Under-pasteurized
12 -4-45 Pasteurized Milk, Grade A. Maple Grove. High bacteria
12-10-45 Whipping Cream, Grade A. Maple Grove. Under-pasteurized.
12-18-45 Pasteurized Milk, Grade A. Maple Grove. Passed
1-23-45 Raw Milk. W. Mitchell. Passed
2 -7-45 Raw Milk. W. Mitchell. High bacteria
4-12-45 Raw Milk. W. Mitchell. Passed
5-23-45 Raw Milk. W. Mitchell. High bacteria
7-16-45 Raw Milk. W. Mitchell. Passed
10 -1-45 Raw Milk. W. Mitchell. High bacteria
10 -9-45 Raw Milk. W. Mitchell. Watered
10-23-45 Raw Milk. W. Mitchell. Watered
11-27-45 Raw Milk. W. Mitchell. High bacteria
11-27-45 Raw Milk. W. Mitchell. High bacteria
10 -1-45 Raw Milk. W. A. Ruh. High bacteria
10 -9-45 Raw Milk. W. A. Ruh. Passed
11-27-45 Raw Milk. W. A. Ruh. High bacteria
1-23-45 Raw Milk. Satterly. Passed

2 -7-45 Raw Milk. Satterly. High bacteria
4-12-45 Raw Milk. Satterly. Passed
5-23-45 Raw Milk. Satterly. Passed
7-16-45 Raw Milk. Satterly. High bacteria
10 -1-45 Raw Milk. Satterly. High bacteria
10 -9-45 Raw Milk. Satterly. High bacteria
11-27-45 Raw Milk. Satterly. High bacteria

TRIGG COUNTY

12-20-45 Pasteurized Milk. Atkins Dairy, Hopkinsville, Passed
1-15-45 Raw Milk. Audas Dairy. Passed
4-19-45 Raw Milk. Audas Dairy. High bacteria
7-23-45 Raw Milk. Audas Dairy. High bacteria
12-20-45 Raw Milk. Audas Dairy. Passed
1-15-45 Raw Milk. Ladd's Dairy. Passed
4-19-45 Raw Milk. Ladd's Dairy. Passed
7-23-45 Raw Milk. Ladd's Dairy. Passed
7-23-45 Raw Milk. Worsham Dairy. Passed

UNION COUNTY

1 -9-45 Pasteurized Milk. U. C. Milk Company, Madisonville. Low in butter fat
1-13-45 Pasteurized Milk. U. C. Milk Company, Madisonville. Low in butter fat
4-16-45 Pasteurized Milk. U. C. Milk Company, Madisonville. Passed

WASHINGTON COUNTY

9-18-45 Raw Milk. Lee Boone. High bacteria
5 -1-45 Pasteurized Milk, Grade A. Elm Grove Dairy. High bacteria
2 -7-45 Raw Milk. R. G. Hayes. Passed
5 -1-45 Raw Milk. R. G. Hayes. High bacteria
9-18-45 Raw Milk. R. G. Hayes. Watered
9-18-45 Raw Milk. Montgomery. Passed

DAIRY PRODUCTS (Evaporated Milk Irradiated)

1-31-45 Carnation Co. Oconomowoc, Wisc. Passed
4-27-45 A18469 Carnation Milk Co., Maysville. Passed

6-30-45		Carnation Co., Oconomowoc, Wisc. Passed
8 -1-45	A18134	Carnation Milk Co., Maysville, Ky. Passed
2-28-45	A17883	Pet Milk Co., Bowling Green, Ky. Passed
7-31-45		Pet Milk Co., St. Louis, Mo. Passed
11-30-45	A18280	Pet Milk Co., Bowling Green, Ky. Passed
2-28-45	A17884	Pet Milk Co., Mayfield, Ky. Passed
5-31-45	A18470	Pet Milk Co., Mayfield, Ky. Passed
9-30-45	A18133	Pet Milk Co., Mayfield, Ky. Passed
12-31-45	A18281	Pet Milk Co., Mayfield, Ky. Passed
1-14-45	583	Indiana Condensed Milk Co., Sheridan, Ind. Passed
3-17-45	587	Indiana Condensed Milk Co., Sheridan, Ind. Passed
7-16-45	598	Indiana Condensed Milk Co., Sheridan, Ind. Passed
7-16-45	597	Indiana Condensed Milk Co., Sheridan, Ind. Passed
9-15-45	601	Indiana Condensed Milk Co., Sheridan, Ind. Passed
10-20-45	603	Indiana Condensed Milk Co., Sheridan, Ind. Passed
11-16-45	604	Indiana Condensed Milk Co., Sheridan, Ind. Passed
12-15-45	607	Indiana Condensed Milk Co., Sheridan, Ind. Passed
7-16-45	596	Ideal Pure Milk Co., Evansville, Ind. Passed

Dairy Products (Vitamin D Pasteurized Milk

3-31-45	A18457	Ashland Sanitary Milk Co., Ashland, Ky. Passed
5-31-45		Carrithers Creamery, Louisville, Ky. Passed
7-31-45		Carrithers Creamery, Louisville, Ky. Passed
11-30-45		Carrithers Creamery, Louisville, Ky. Passed
12-31-45		Carrithers Creamery, Louisville, Ky. Passed
1-31-45	A17879	Cloverleaf Dairy, Newport, Ky. Passed
8-31-45	A18136	Cloverleaf Dairy, Newport, Ky. Passed
9-30-45		Clover Leaf Dairy, Newport, Ky. Passed
9-30-45		Cream Top Creamery, Louisville, Ky. Passed
12-31-45		Cream Top Creamery, Louisville, Ky. Passed
1-31-45		Ewing Von Allmen, Louisville, Ky. Passed
4-30-45		Ewing Von Allmen, Louisville, Ky. Passed
7-31-45		Ewing Von Allmen, Louisville, Ky. Passed
10-31-45		Ewing Von Allmen, Louisville, Ky. Passed
3-31-45		Oscar Ewing, Inc., Louisville, Ky. Passed
6-30-45		Oscar Ewing, Inc., Louisville, Ky. Passed
9-30-45		Oscar Ewing, Inc., Louisville, Ky. Passed
12-31-45		Oscar Ewing, Inc., Louisville, Ky. Passed
2-28-45	A17880	Hannekin Dairy, Covington, Ky. Passed
5-31-45	A18471	Hannekin Dairy, Covington, Ky. Passed
8-31-45	A18130	Hannekin Dairy, Covington, Ky. Passed.
11-30-45	A18282	Hannekin Dairy, Covington, Ky. Passed
4-30-45		Hiland Dairy, Newport, Ky. Passed
8-31-45	A18135	Hiland Dairy, Newport, Ky. Passed
10-31-45		Hiland Dairy, Newport, Ky. Passed
9-30-45		Jersey Farms Dairy, Fort Thomas, Ky. Passed
12-31-45	18288	Jersey Farms Dairy, Fort Thomas, Ky. Passed
3-31-35	18453	Johnson's Dairy, Ashland, Ky. Passed
6-30-45	18127	Johnson's Dairy, Ashland, Ky. Passed
2-28-45	17882	Kahmann and Rehkamp Co., Covington, Ky. Passed

5-31-45	18473	Kahmann and Rehkamp Co., Covington, Ky. Passed
8-31-45	18132	Kahmann and Rehkamp Co., Covington, Ky. Passed
11-30-45	18284	Kahmann and Rehkamp Co., Covington, Ky. Passed
1-31-45		Mellwood Dairy, Louisville, Ky. Passed
7-31-45		Mellwood Dairy, Louisville, Ky. Passed
4-30-45		Mellwood Dairy, Louisville, Ky. Passed
10-31-45		Mellwood Dairy, Louisville, Ky. Passed
3-31-45		Plainview Farms, Dairy, Louisville, Ky. Passed
6-30-45		Plainview Farms Dairy, Louisville, Ky. Passed
9-30-45		Plainview Farms Dairy, Louisville, Ky. Passed
11-30-45		Plainview Farms Dairy, Louisville, Ky. Passed
2-28-45	17881	Summe and Raterman Co., Covington, Ky. Passed
5-31-45	18472	Summe and Raterman Co., Covington, Ky. Passed
8-31-45	18131	Summe and Raterman Co., Covington, Ky. Passed
11-30-45	18283	Summe and Raterman Co., Covington, Ky. Passed
9-30-45	16698	Louis Trauth Dairy, Newport, Ky. Passed
12-31-45	18287	Louis Trauth Dairy, Newport, Ky. Passed
2-28-45		Walnut Grove Dairy, Louisville, Ky. Passed
7-31-45		Walnut Grove Dairy, Louisville, Ky. Passed
11-30-45		Walnut Grove Dairy, Louisville, Ky. Passed
4-30-45		French-Bauer Co., Newport, Ky. Passed

Eggs and Egg Products (Frozen and Powdered)

Fruit and Fruit Products

8-22-45 Strawberry fountain fruit. Off odor. Southland Preserving Co. Chattanooga, Tenn. "Tara" brand on bottles. Federal Food and Drug to be advised for investigation of same.

Fruit Spray Residue Examinations

18327 9-12-45 Apples—Golden Delicious. Gr: Wm. Fegenbush, Buechel. Passed.

18326 9-12-45 Apples—Golden Delicious. Nick Karem, Louisville, Ky. Passed.

15943 9-24-45 Apples—Golden Delicious. Nick Karem, Louisville, Ky. Stock quarantined.

18402 9-29-45 Apples—Clowers. Kentucky Cardinal Orchards, Henderson, Ky. Passed.

18401 9-29-45 Apples—Golden Delicious. Ky. Cardinal Orchards. Henderson, Ky. Passed.

18328 10- 3-45 Apples. Gr: Geo. A. Miller, Louisville, Ky. Passed.

MEAT AND MEAT PRODUCTS (Chicken)

A8713 3-13-45 N. Y. dressed. Owner: C. W. Young, Louisville, Ky. 85 torn—17 amaciated—3 abscessed—2 bruised—2 incomplete bleeding—238 passed for food.

A8714 3-14-45 N. Y. dressed. Owner: C. W. Young, Louisville, Ky. 66 torn and filthy. 12 emaciated. 3 incomplete bleeding. 123 passed for food.

A8715 3-16-45 N. Y. dressed. C. W. Young, Louisville, Ky. 145 torn or filthy. 85 emaciated. 6 abscessed. 36 brused. 30 insufficiently bled. 22 death other than slaughter. 482 passed.

A8720 3-22-45 N. Y. dressed. C. W. Young, Louisville, Ky. 2 bruised and insufficiently bled. condemned. Morton's: 2 decomposed. 124 torn and filthy.

A8716 3-23-45 N. Y. dressed. C. W. Young, Louisville, Ky. 60 torn and filthy, slimy, bruised, insufficiently bled.

A8717 3-24-45 N. Y. dressed. C. W. Young. 40 filthy and torn graded out of 431.

A8718 3-27-45 N. Y. dressed. C. W. Young. 466 birds. 46 graded out as torn and filthy.

A8719 3-28-45 N. Y. dressed. C. W. Young. 31 torn and filthy. 1 decomposed. 1 bruised.

MEAT AND MEAT PRODUCTS (Ground and Fabricated Meats)

A13222 2-14-45 Party loaf: Mfr: Hygrade Food Products Corp. N. Y. Similar can stated to have caused food poisoning. This can had no bacteria—no growth obtained.

A17866 1-25-45 hamburger: Mfr: J. P. Schneider and son, Middlesboro, Ky. At request to Lexington,

Ky. Laboratory, sample showed preservative had been added, cereals. Warrant to be taken out. Fined $10.00 and costs. 4-5-45.

A17794 2-13-45 hamburger: Mfr: Wardrup Provision Co., incipient decomposition.

A17798 2-13-45 hamburger: Mfgr: Krogers Super Market. Passed.

A17797 2-13-45 hamburger: Mfgr: Howard and Hyden. Passed.

A17795 2-13-45 hamburger: Mgr: Burns Grocery. Passed.

A17796 2-13-45 hamburger: Mfgr: Wardup Prov. Co., incipient decomposition.

A16737 2-15-45 hamburger: Mfgr: Mrs. Roy Hill, (guaranteed by). Passed.

A16736 2-15-45 hamburger: Mfgr: Guy Emmett, (guaranteed by) adulterated, contained sulphite and cereal.

A16735 2-15-45 hamburger: Mfgr: Joe Wahe (guaranteed by) adulterated, sulphite.

A16738 2-19-45 hamburger: Mfgr: Joe Urban (guaranteed by) Passed.

A17472 3-5-45 hamburger: Guaranteed by mfgr: Jones Jones Packing Co. Adulterated, contained sulphite.

A17473 3-5-45 hamburger: Mfgr: Jones Packing Co. Adulterated sulphites.

A 3079 4-17-45 hamburger: Mfgr: Mitchell Meat Market, Maysville, Ky. adulturated with cereal and added water.

A18376 9-21-45 hamburger: Mfgr: Pulaski locker service, Somerset, Ky. Odor to outside. o.k. on heating steaks. Passed.

A18377 9-21-45 hamburger: Mfgr: Pulaski Locker System. Steaks: slightly old odor. Passed.

A18278 9-21-45 hamburger: Mfr: Pulaski Locker Svs. Odor on heating. Steak old odor, not well bled.

A18379 9-21-45 hamburger: Pulaski Locker Svs. Odor indicating old before freezing. Steaks: satisfactory.

A18380 9-21-45 hamburger: Pulaski Locker Svs. satisfactory. Steaks: Old order when cooked.

A15289 9-13-45 hamburger—Clarence Hill restaurant, Winchester, Ky. Passed.

A15288 9-13-45 hamburger—Virginia Borders, Winchester, Ky. Passed.

A18461 3- 5-45 pork sausage—Jones Pkg. Co., Paducah, Ky. Adulterated (sulphites).

A13939 11- 3-45 weiners—Schwab Packing Co., Christianburg, Ky. Decomposed.

MISCELLANEOUS FOODS

A17497 9-26-45 popcorn—Better Taste Popcorn Co., Anderson, Ind. Adulterated (mineral oil).

A18977 12-14-45 popcorn and potato chips—Stratton Food Co., Ivel, Ky. Passed.

NUTS AND NUT PRODUCTS

A18449 12-13-45 shelled pecans—Louisville Coffee Co., dealer: Mfgr: Roper Pecan Co., Hickman, Ky. Microscopic filth—infested.

A18447 12-13-45 shelled pecans—Louisville Coffee Co., dealer. Manufacturer: Roper Pecan Co., Hickman, Ky. Microscopic filth: negative. shriveled and discolored.

A18446 12-13-45 shelled pecans—Louisville Coffee Co., dealer. Mfgr: Roper Packing Co., Hickman, Kentucky. Microscopic filth; negative. Dirty, discolored, shriveled, foreign material.

A18450 12-13-45 shelled pecans—Louisville Coffee Co., dealer. Mfgr: Roper Pecan Co., Hickman, Ky., Microscopic filth: neg. Discolored, shriveled. Mold count 200 gm.

A18441 12-12-45 shelled pecans. Gordon Foods, dealers. Mfgr. South Georgia Pecan Shelling Co., Valdosta, Ga. Microscopic filth: discolored, shriveled, 1 human hair.

A18437 12-12-45 Shelled pecans, A&P Tea Co., dealer. Mfgr. Southern Pecan Shelling Co., San Antonio, Texas. Microscopic filth: discolored, shriveled, foreign material 6%.

A18439 12-12-45 Shelled pecans. Steiden Stores, Inc., Louisville, dealer. Natchez Pecan Shelling Co., Natchez, Miss., dealer, mfgr. Microscopic filth: negative. Discolored, shriveled, foreign material 8%.

A18440 12-12-45 Shelled pecans. Steiden Stores, Louisville, Ky., dealer. Natchez Pecan Shelling Co., Natchez, Miss., mfgr. Microscopic filth: negative. Discolored, shriveled, foreign material.

A18443 12-13-45 Shelled pecans. Steiden Stores, Louisville, Ky., dealer. Natchez Pecan Shelling Co., Natchez, Miss., mfgr. Microscopic filth: negative. Discolored, shriveled.

A18444 12-13-45 Shelled pecans—Gordon Foods, Louisville, Ky. dealer. Packed by South Georgia Pecan Shelling Co., Valdosta Ga. Microscopic filth: negative. Discolored, shriveled, foreign material.

A18438 12-12-45 Shelled black walnut kernels. Steiden Stores, Inc., Louisville, Ky., dealer. Packed by Block Bros., Nashville, Tenn. Microscopic filth: 2 insect pellets. Discolored, shriveled, foreign material.

A18442 12-13-45 black walnut kernels. Steiden Stores, Inc., Louisville, Ky., dealer. Packed by Block Bros. Nashville, Tenn. Microscopic filth: negative. Discolored, shriveled dirty.

A18445 12-13-45 black walnut kernels. Louisville Coffee Co., dealer. Packed: Block Bros., Nashville, Tenn. Microscopic count: negative. Discolored, dirty 1%, shriveled.

A18448 12-13-45 black walnut kernels. Louisville Coffee Co., daler. Packed by Block Bros., Nashville, Tenn. Microscopic filth: negative. Shriveled, dirty.

A17808 12-13-45 pasteurized black walnut kernels. Health Food Prod. Co., Louisville, Ky., dealer. Packed by Block Bros., Nashville Tenn. Microscopic filth: 1 rodent hair. Discolored.

Oils and Fats

A16700 8-28-45 Krystal Kitchen, Harlan, Kentucky. Cooking fat. Examined for mineral oil. None present.

A18276 8-25-45 cooking fat. Coffee Shoppe, Harlan, Ky. Examined for mineral oil. None present.

A18277 8-28-45 Cooking fat. Green Parrot Cafe, Harlan, Ky. Examined for mineral oil. None present.

A18278 8-28-47 cooking fat. Lloyd's Cafe Harlan, Ky. Examined for mineral oil. None present.

Saccharin Products

A18147 8-20-45 Crystals for canning. Scottsville Ky. drug store, dealer. Mfr. unknown. Examined for sugar content. None found. Not passed.

A18148 8-20-45 Crystals for canning. Scottsville drug store, dealer. Mnfr. unknown. Examined for sugar content. None found. Not passed.

SPICES AND CONDIMENTS

No. 412 6-7-45 Pure pepper. Handy Gro. Co. Lexington, Ky. dealer. Mfgr. not known. Adulterated and misbranded.

A17864 11-9-44 Imitation black pepper. Bryan Hunt Co., Lexington, Ky., dlr. LaSalle Mfg. Co. manufacturer. Adulterated-misbranded.

A18052 7-13-45 Ground black pepper—imitation. Dlr: Stilz Bros. Gro. Mfgr: Bryan Hunt Co., Lexington, Ky. adulterated.

A18051 7-13-45 Pure pepper—Dlr: Mays Gro., Lexington, Ky. Dlr: Bryan Hunt. adulterated.

VEGETABLES AND VEGETABLE PRODUCTS

A18907 11-27-45 vegetable relish "Mary Alice". Dlr: J. B. Shellnut Gro. Co., Mfgr: Murdock Morton Foods, Louisville, Ky. Delivery truck overturned: No evidence of glass found in jars.

A 2826 5-22-45 spinach—Dlr: Virgil Haddix. Mfgr: Francis H. Leggett and Co. Adulterated—contains filth, insects larvae. Haddix: Richmond, Ky. Leggett Co., New York.

A 3827 5-23-45 spinach—Dlr: Haddix Grocery, Richmond, Ky. Mfgr: Francis H. Leggett Co., New York, N. Y., and Cincinnati, Ohio. Adulterated. Worms, pieces of wood leaves, etc.

A 3828 5-23-45 spinach—Dlr: V. Haddix Gro., Richmond, Ky. Mfgr: F. H. Leggett Co. New York, and Cincinnati. Grasshopper found in spinach. Adulterated, dirt.

QUARANTINES AND DESTRUCTIONS

7-27-45 Blue Valley Creamery, Louisville, Ky. 17 tubs of butter—1054 lbs. butter fat. Quarantine released 2-16-46. Mfg. into butter oil.

7-27-45 Armour Creameries Louisville, Ky. 33 buckets, 1975 pounds, and 32 buckets, 1950 pounds, and 30 buckets, 1800 pounds butter fat. Quarantine released 2-16-46. Mfg. into butter oil.

A17261 7-7-45 Kingan and Co., Lebanon, Ky. Dlr. and Mfgr. 1000 lbs. cheddar cheese. Underpasteurized. Quarantined.

A17262 7-7-45 Kingan and Co., Lebanon. 1000 lbs. cheddar cheese. Underpasteurized. Quarantined.

A17263 7-7-45 Kingan and Co. Lebanon. 1000 lbs. cheddar cheese. Underpasteurized. Quarantined.

A17264 7-7-45 Kingan and Co., Lebanon, Ky. 1000 lbs. cheddar cheese. Underpasteurized. Quarantined.

A17265 7-7-45 Kingan and Co., Lebanon, Ky. 1000 lbs. cheddar cheese. Underpasteurized. Quarantined.

A17266 7-7-45 Kingan and Co. Lebanon, Ky. 1000 lbs. chedar cheese. Properly pasteurized.

9-27-45 Cheese: Kraft Cheese Co., Louisville, Ky. 9-65 lb. boxes and 1-25½ lb. box Osaigo cheese quarantined, destroyed.

7-12-45 Popcorn: Walgreen's Inc., Louisville, Ky. Better
No. A17492 Taste Pop Corn. 19 8-12 dozen. 2-oz. pkgs. quarantined. Suspicion of mineral oil adulteration. Destroyed

A17493 7-21-45 Better Taste Pop Corn. 29 doz. 2-oz. pkgs. Walgreen's, Inc., Louisville, Kentucky. Suspicion of mineral oil. Destroyed.

A17494 7-21-45 Same as above. 3 5-12 doz. 2-oz. pkgs. Suspicion of mineral oil. Destroyed.

7-20-45 17½ doz. 2-oz. pkgs. popcorn. Otterbach Bros., Louisville, Ky., Destroyed. Adulterated, misbranded.

7-7-45 48 cases—2½ doz. each. Better Taste Pop Corn. Spot Cash Tobacco Co., Louisville, Kentucky. Destroyed. Adulterated.

A17497 9-26-45 Better Taste Pop Corn Co., Anderson, Indiana, Dlr and Mfgr: Wholesaler: Russellville Wholesale Co., Russellville, Ky. Examined for mineral oil. 24—20 oz. cartons. Quarantined.

10-26-45 Better Taste Pop Corn: 32 cartons at C. N. O. and T. P. R. R., Lexington, Kentucky. Quarantined.

9-27-45 Better Taste Popcorn—Nic Nac Foods, Lexington, Ky. 175 cartons. Quarantined.

6-29-45 flour: 14—98 lb. bags. Cake Box, Louisville, Ky., Dlr. Destroyed.

6-6-45 cream meal (Post's) 36—100 lb. bags. Dlr: Vaughn Gro., Louisville Ky. Quarantined.
cream meal as above: 79—25 lb. bags. Quarantined. Released 6-18-45.

10-12-45 Flour—3 100 lb. sacks. Dlr: M. L. Gunn Bakery, Greenville, Ky. Weevil infested. Quarantined. Destroyed.

8-1-45 rice flour—25 100 lb. bags. Klotz Confection Co., Louisville, Ky. Quarantined.

8-9-45 10 100-lb. bags rye meal and 16 100 lb. bags whole wheat flour—Dlr: Linker Bros., Louisville, Ky. Quarantined.

8-10-45 Hufmuller rye flour—100 lb. bag. Purity Bakeries, Louisville, Ky. Quarantined.

8-8-45 Hoffmuller rye flour—12 1200 lb. bags. Ddr: Grennan Bakeries, Inc., Louisville, Kentucky. Quarantined.

A18195 Flour—General Mills, Inc., Dlr. and Mfgr. 700 lbs. Contained weevil and larvae. Destroyed.

A17496 Flour. General Baking Co., Louisville, Ky. Dlr. 600 lbs. Denatured with used oil. Quarantined.

9-24-45 Flour and bran: Dealer: Kirchoff's Bakery, Paducah, Kentucky. Quarantined by County Health Department Health Officer.

9-25-45 175 bags (100 lbs.) cream corn meal in possession of Edwin C. Hawkins, Paducah, Kentucky. Quarantined, by County Health Dept.

9-21-45 Rye flour—25 100 lb. bags. General Baking Co., Louisville Ky. In cooperation with Food and Drug Administration. Quarantined.

9-21-45 Whole wheat flour—150 100 lb. bags. General Baking Co., Louisville, Ky. Food and Drug Administration. Quarantined.

9-26-45 Whole wheat flour—100 100 lb. bags. General Baking Co., Louisville, Ky. Food and Drug Administraton. Quarantined.

9-21-45 Corn meal—175 100 lb. bags. Dlr: Edw. Hawkins store, Paducah Ky., Dlr. Requested by Food and Drug Adm. to quarantine same. Denatured: hog feed.

9-24-45 Flour—Kirchoff Bakery, Paducah, Kentucky. Food and Drug Admnistration reported flour infestation. 46 100-lb. bags. Quarantined. Destroyed by denaturing with cottonseed meal, for hog feed.

10-11-45 Fruit cake mix "Helen Ann"—58 cases and one jar. Dlr: Runyan and Son, Louisville, Ky. 12 20-oz. jars. Quarantined. Packed by Chas. P. Wagner Bros. New Orleans, La. Federal sample.

11-7-45 Corn meal—258 5lb. paper baks. Dlr: American Gro. Co., Louisville, Ky. Mfgr: Ewing Mills, Brownston, Indiana.

11-13-45 Flour—825 lbs. Kroger's Country Club flour (dealer) Miller: Barry and Carter Milling Co.,

Lebanon, Tenn. Infested with weevils. Shipped interstate. Kroger Co.: Hopkinsville, Ky. Quarantined by County Health Department. Quarantine removed to send flour back to Milling Co.

A17804 11-28-44 Frozen whole eggs. Dlr: Mayfield Frozen Food Storage, Mayfeld, Kentucky. Mfr: Wilson Co., War Food Adm. 1200 30-lb. cans. Bad. Quarantined.

A17805 11-29-44 Frozen whole egg. Dlr: Mayfield Frozen Food Storage, Mayfield, Ky. Swift and Co., producers, War Food Administration. 4 15lb. cartons—603 boxes—2412 cartons. Bad. Quarantined.

A17806 11-30-44 Frozen whole eggs. Dlr: Mayfield Frozen Food Storage, Mayfield, Kentucky. Swift and Co. producers, War Food Adm. 603 boxes or 2412 cartons (original: 4 15-lb. cartons) bad. Quarantined. Released for stock and poultry feed.

A17491 6-29-45 Frozen eggs. Mayfield Frozen Foods. 63 60-lb. cartons. War Food Administration. Decomposed. Denatured by mixing into hog feed at J. A. Garland Farm.

A17306 1-2-45 Groceries. Dlr: The Glass Stores, Lexington, Ky. Suspected of damage by fire and water. Quarantined.

3-21-45 Egg whites. 1001 cans egg whites in possession of Sherman White, Ft. Wayne, Indiana, stored: Merchants Ice and Cold Storage Co., Louisville, Ky. Quarantined. Released 3-20-45.

7-12-45 Frozen eggs. 160 cans 30 lb. Merchants Ice and Cold Storage Co., Louisville, Ky. Quarantined during flood, owner unknown. Released, sold to Wheatley Mayonnaise Co., Louisville, Ky.

3-9-45 A17482 Rhubarb peaches in possession of Blue Bird Pie Co., Louisville, Ky., stored: Merchants Ice and Cold Storage Co., Louisville, Ky. Soiled by careless handling. Top layer removed. Released.

3-21-45 46 cartons rhubarb and 110 cans cherries and 46 cans blueberries at Colonnade Cafeteria, Louisville, stored by Merchants Ice and Cold Storage Co., quarantined. Sorted by Colonade manager. Released.

3-9-45 41 No. 50-lb. cans frozen, sliced peaches. Goodwin Preserving Co., Louisville, Ky., stored at Merchants Ice and Cold Storage Co., Louisville, Ky. Quarantined. Released to be inspected 4-21-45.

3-21-45 Strawberries. Merchants Ice and Cold Storage Co., Louisville, Ky., Quarantined. Destroyed.

3-21-45 200 30-lb. cans of frozen apples belonging to Standard Brands, Louisville. Stored at Merchants Ice and Cold Storage Co., Louisville, Ky. Quarantined. Released.

3-9-45 Fresh cut frozen beans possession of Steiden Stores, Louisville, stored at Merchants Ice and Cold Storage Co., Louisville, Ky. Quarantined, examined and released to Steiden Stores.

3-9-45 Beef suet and beef. Possession of Hirsch Bros., Louisville, stored at Merchants Ice and Cold Storage Co., Louisville, Ky. Quarantined, released to Hirsch Bros.

3-9-45 Turtles—one bbl., belonging to Kramer Cafe, Louisville, stored at Merchants Ice and Storage Co. Quarantined. Released for salvage to Booth Fisheries.

3-9-45 Meat and chickens—throughout plant of Merchants Ice and Cold Storage Co., Louisville, Ky.

Quarantined. 808 lbs. of meat destroyed. 225 lbs. of meat put back in refrigerator to be checked later.

3-24-45 Beef cuts—50-lb. belonging to Mr. Ramsey, Louisisville, stored at Merchants Ice and Cold Storage Co., Louisville. Released from quarantine.

3-13-45 Cheese in possession of Ben Datillo, stored: Merchants Ice and Cold Storage Co., Louisville. Quarantined. Found o.k. Released.

3-13-45 A17474 Cheese, in possession of Joe Coleman, stored: Merchants Ice and Cold Storage Co., Louisville, Ky. Quarantined. Decomposed and filthy. Destroyed by burning.

3-8-45 Cream—18 cans, possession of J. W. Haywood, Louisville, Ky., stored at Merchants Ice and Cold Storage Co., Louisville, Ky. Quarantined, released.

3-21-45 Whole condensed milk, 1 bbl. Belonging to Mellwood Dairy, Louisville, stored: Merchants Ice and Cold Storage Co., Louisville. Quarantined, released.

3-21-45 Frozen condensed milk—269 cans, belonging to Model Farms Dairy, Louisville. Stored: Merchants Ice and Cold Storage Co., Louisville. Quarantined. 19 cans released for salvage, 250 cans released.

3-9-45 Milk and cream, possession of Sure Pure Milk Co., Louisville, Ky. Stored: Merchants Ice and Cold Storage Co., Louisville. Quarantined, released.

3-13-45 A8713 Chickens, N. Y. dressed. Dlr: C. W. Young: Stored: Merchants Ice and Cold Storage Co., Louisville. Quarantined. Out of 347 as above. 123 passed for food.

3-14-45 A8714 Chickens, N. Y. dressed. 204 birds. Same as above. 123 passed for food.

3-16-45 A8715 Chickens, N. Y. dressed. 826 birds. Same as above. 482 passed for food.

3-23-45 A8716 Chickens, N. Y. dressed. 549 birds. Same as above. Edible parts of approximately all but 60 were graded out, sold to Morton Co. for manufacturing purposes.

3-24-45 A8717 Chickens, N. Y. dressed. 15 cases. Same as above. 40 filthy and torn birds graded out. Balance salvaged, sold to Morton Co., for manufacturing purposes.

3-27-45 A8718 Chickens, N. Y. dressed. 466 birds. Same as above. 46 birds graded out. Balance, good parts salvaged, sold to Morton Packing Co.

3-28-45 A8719 Chickens, N. Y. dressed. 17 crates. Same as above. Torn and filthy parts removed, balance sold to Morton Packing Co.

3-22-45 A8720 Chickens, N. Y. dressed. 128 birds torn. Same as above. Torn and filthy parts graded out, balance sold to Morton Packing Co.

5-31-45 Print butter. 45 30-lb. cases and 36 30-lb. cases, possession: Lanesville Creamery, Lanesville, Indiana, stored: Merchants Ice and Cold Storage Company, Louisville, Ky. Sample collected. U. S. Food and Drug Adm. Quarantined.

3-24-45 Chicken gizards, 55 cans, belonging to Olympia Canning Co., Charlestown, Indiana, stored: Merchants Ice and Cold Storage Co., Louisville, Ky. 7 cans chopped down after quarantine, released entire lot.

3-9-45 Poultry, N. Y. dressed, belonging to Southern Baptist Seminary, Louisville, stored: Merchants Ice and Cold Storage Co., Louisville. Inspected at Seminary.

5-18-45 Chickens, dressed, belonging to Leonard Houk, Greensburg, Ky., stored at Merchants Ice and Cold Storage Co., Louisville, Ky. 21 boxes. Quarantined. Destroyed by burning, 1249 lbs.

2-6-45 A15538 Frozen egg yolks. Dlr: Merchants Ice and Cold Storage Co., Louisville. Mfgr: Morton Packing Co., Louisville. 4 5-lb. cartons. Quarantined. Destroyed by burning in furnace.

2-6-45 A15539 Frozen whole eggs. Dlr: Merchants Ice and Cold Storage Co., Mfgr: Morton and Cook. 519 30-lb. cans. Quarantined. Examined, found good.

2-6-45 A15540 Frozen whole eggs. 79 30-lb. cans. Dlr: Merchants Ice and Cold Stg. Co., Louisville, Ky. Mfgr: Morton and Cook. Quarantined. Examined, all found good.

3-8-45 2988-lbs. hens. Dlr: Morton Packing Co., Louisville, stored: Merchants Ice and Cold Storage Co., Louisville. Quarantined, released under quarantine.

3-8-45 844 package poultry and poultry products. Same as above. Quarantined.

3-8-45 10,652 lbs. chickens. Same as above. Quarantined.

11-6-45 118 cases 6-10s Red Gold Tomato Puree. Stored: Merchants Wholesale Gro. Co., Louisville, Ky., dealer. Sold before products could be quarantined or collected. Use of spoiled tomatoes.

12-11-45 Tomato puree, Red Gold. 156 cases in possession of Koehler-Spalding Co., Louisville, Ky. Owner: Kenneth N. Rider, Inc., Trafalgar, Ind. Quarantined.

12-5-45 Tomato puree. Red Gold. 2 cases No. 1. Possession: Tasty Hamburger Bar, Louisville, Ky.

Moved to Koehler Spalding Co. under quarantine.

12-5-45 Tomato Puree. Red Gold, in possession of Blue Grass Grill, Louisville, Ky., manufactured by Kenneth Rider and Co. Moved to Koehler Spalding Co. under quarantine.

12-5-46 Tomato puree. Red Gold, possession: Lewis Gro. Co., Louisville, Ky. same as above: Quarantined.

12-5-45 Tomato puree. Red Gold. 5 cases No. 1. Possession: Geo. Ohlmann Gro. Co., Louisville, Ky. Same as above. Quarantined.

12-4-45 Tomato puree. Red Gold. 19 cases, 19 cans. Possession: E. K. Bill, Louisville, Ky. Same as above. Quarantined.

12-4-45 Tomato puree. Red Gold. 12 cases. Possession: Johnson Market, Louisville, Ky. Same as above. Quarantined.

12-4-45 Tomato puree. Red Gold. 5 cases. Possession: Kingsley Food Mkt., Louisville, Ky. Same as above. Quarantined.

12-11-45 Tomato puree. Red Gold. 100 cases. Possession: Fleigel's Market, Louisville, Ky. Same as above. Quarantined.

11-21-45 100 lbs. monochloroacetic acid—Jucerich Co., Louisville, Ky. Quarantined.

3-29-45 Tomatoes—No. 2 cans—350. Possession of Ninth St. Public Warehouse, Louisville, Kentucky. Belonging to: Julius Straus Grocery. Quarantined. Water in basement storeroom. Cans washed and disinfected, released.

3-29-45 Spinach—canned. 125 24-2's cases. Possession of R. H. Plamp, Louisville. Flood damaged. Quarantined. Released—cans washed and disinfected.

3-15-45 Canned apples—1250 No. 10 tins. Possession of Moore Pie Co., Louisville. Flood damaged. Quarantined. Cans washed and disinfected and released.

A17764 5-12-45 Green beans. 172 bushels. Dlr: Vetter Products Co., Louisville, Ky. Shipper: Olin Pope, Borinict, Ga. Unfit for human consumption. Quarantined, destroyed.

A18177 8-13-45 Spinach. 1050 cases No. 2 cans. Dlr:
A18194 8-27-45 Vaughan Wholesale Grocery, Louisville, Ky. Mfgr: Riverside Canning Co., Hickman, Ky. Quarantined. Flood damaged, then not properly disinfected. Rusty.

VEGETABLES—Samples

A19000 12-19-45 Sauer kraut—Mfgr: Hirsch Bros., Louisville, Ky. Examined for filth, insect parts and excreta, human hair, pieces of wood.

A 3826 5-22-45 Spinach. Dlr: Virgil Haddix, Richmond; Mfgr: Francis H. Leggett Co., Adulterated: filth in form of insects and larvae.

A 3827 5-23-45 Spinach. Same as above. Adulterated: worm infestation, dirt.

A 3823 5-23-45 Spinach. Same as above. Adulterated: worm infestation, dirt.

DRUGS—Cosmetics

A18474 4-24-45 "Mingled Bloom". Dealer: Foncie Laboratories, N. Y. No metals found to cause discoloration. No toxic metallic compounds found.

DRUGS—Miscellaneous Medicines

A18150 8-24-45 "Uncle Mack's Rejuvenator". Dlr: and Mfgr: McElroy and McElroy, Frankfort, Kentucky. Aqueous solution containing sil-

ver in solution and suspension as chloride and tannate. Does not warrant medicinal claims.

MISCELLANEOUS DRUGS

A18463 3-16-45 Dr. Carter Cough Syrup. Dlr: Jones Apothecary, Louisville, Ky. Examination failed to show presence of narcotic alkaloids, barbiturates or other synthetic narcotics.

A18464 3-16-45 Dr. Carter's Cold Caps. Dlr: Jones Apothecary, Louisville, Ky. No opium, Dovers Powder, morphine or other narcotic alkaloid, barbiturates or other synthetic narcotics. Consists of acid acetylsalicyclic and acetophenetidin.

A17758 2-13-45 Phillips Milk of Magnesia: Dlr: Bonnycastle Drug Co., Louisville, Ky. Mgr: Phillips Milk of Magnesia, New York. Conforms to U. S. P. tests for purity.

A18137 7-30-45 Camphorated Oil. Dlr: Strathmoor Pharmacy, Louisville, Kentucky. Conforms to U. S. P. strength for camphor.

6-945 Quarantined: 15 boxes of drugs, cotton, etc. Water damaged. Possession of Shellnut Co., Louisville, Ky. To be burned at City Dump.

DISINFECTANTS

A19829 10-18-45 "Miracle 19" Dlr: Geo. B. Norton Industries, Baltimore, Md. Mfgr: Same. Does not conform to standard by F. D. A. method.

A17757 2-12-45 "B-T-F-Bactericide-Deodorant-Disinfectant". Mfgr: Koch Chemical Company, Winona, Minn. Misbranded as to germicidal strength.

A18982 12-20-45 "Parsona 20th Century Bactericide". Dlr: Chas. R. Richardson, Iona, Michigan. Mfgr: Parsons Chemical Works, Grand Ledge, Mich. Sample germicidal to staph. aur. in one minute in dilution of 1 oz. to 5 gals. water. Quaternary ammonium cpd., present as chloride.

A18193 8-21-45 "Diversol". Dlr: Huter Quest Co., Louisville. Mfgr: Diversey Corporation, Chicago, Ill. Is germicidal to staph. aur by F. D. A. method in 5 but not in 4 minutes. Presence of calcium hypochlorite instead of sodium hypochlorite as stated on label.

A18149 8-24-45 "Diversol". Same as above. Germicidal to staph aur. in 5 min. but not in 4. Both strengths of Diversol excessively alkaline, with pH in excess of 10, which tends to stabilize the hypochlorite molecule.

A18289 11-27-45 "Emulsept". Dlr: Emulsol Corporation, Chicago, Ill. Mfgr: same. Germicidal in 7½ mins. not in 5 minutes.

A18978 12-19-45 "Dee Dee Tee". Mfgr: Enterprise Chemical Co., Louisville, Ky. Mislabeled. Contains only 4.82% DDT instead of 5% DDT.

A18290 11-27-45 "F-G-D" (Detergent). Mfgr: Kalusoff, Ltd., Springfield, Ill. Fungicide, germicide, Detergent, Cleaner. Germicidal to Staph. Aur. of standard phanol resistance in 2 min. at 37°C.

A18128 7-16-45 "DU-PI-OL" (Sleaner, deodorant, disinfectant). Dealer and Mfgr: Northern -K Products, Covington, Ky. Appeared to be void of germicidal properties under condition of test.

A18129 7-23-45 "DEO-CLORO". Dlr and Mfgr: Pro Tex All Co., Inc., Evansville, Indiana. Not germicidal within 5 minutes.

A18291 12-13-45 "DEO-CLORO". Same as above. Misbranded as to strength and composition.

A18279 10-20-45 "AMERSE" Dlr. and Mfgr.: Vestal Chemical Lab., St. Louis, Mo. A germicide for food and utensils. Strongly germicidal to staph. aur. in dilution recommended.

A16699 8-27-45 "KAY-RAY CLEANSER". Mfgr. and dlr.: R. G. Ward, Louisville, Ky. Misbranded as to strength of hypochlorite.

A18296 12-28-45 "FOSKLOR". Mfgr: Westvaco Chlorine Products Corporation, Carteret, N. J. Bactericide, deodorant, water softener. Dilution B not germicidal to staph. aur. by F. D. A. method.

A18468 2-8-45 "WYANDOTTE STERICHLOR". Wyandotte Chemical Corporation, Wyayndotte, Michigan. Germicide, deodorant. Not germicidal to staph. aur. in five minutes.

INVESTIGATIONS OF DEATH CERTIFICATES

1-27-45 Investigation of death in Bell County, from milk. Unable to ascertain where milk was purchased.

3-24-45 Death in Bath County. Woman ate food purchased from a truck. Within 24 hours she died. No real evidence food was cause of her death.

4-12-45 Death in Jefferson County. Woman ate fish in Louisville, became ill. Died 10 days later. Dr. believed it might have been secondary anemia.

11-1-45 Death in Jefferson County. Chicken prepared day before eaten—no refrigeration. Food poisoning.

7-20-45 Death in Jefferson County. Woman bitten by dog two months previously. No clinical case of

rabies. Report gave history of death as pulmonary congestation and pneumonia.

7-21-45 Death investigation in Franklin County. Ate spaghetti and hamburger, died four hours later. Not food poisoning, as a child also ate same food.

11-3-45 Investigation of death in Barren County. Ate large quantity of various foods, very ill during night. Died within 24 hours. Food poisoning.

5-10-45 Investigation of death in Jefferson County. Ate bologna which was spoiled. Acidosis Uremia following food poisoning.

4-11-45 Death—Jefferson County. Ate chile in Louisville restaurant. Died next day after being ill. Acute ptomaine poisoning.

2-15-45 Investigation of death in Christian County. Child had convulsions, never regained consciousness. No further investigation on part of attending physician.

2-15-45 Investigation of death, Christian County. Operation three weeks prior for internal goitre. No information available regarding food poisoning at hospital.

5-28-45 Investigation of death in Fayette County. Man suffocated to death in tourist camp. No further information.

10-4-45 Investigation of death in Boyle County. Child ill from food poisoning, then in hospital, and died within 24 hours. No autopsy. No information on type of food eaten.

COLLECTION OF SAMPLES UNDER THE FOODS, DRUGS AND POISONS ACT

Samples submitted in food poisoning and suspected poisoning cases.

1-18-46 Seven persons alleged to have been made ill by eating cream filled pies of Honey Krust Bakery, Johnson City, at Benham and Cumberland, Harlan County, diner, and Columbia Cafe, Harlan County. All ate "lemon pie". Food poisoning.

5-13-46 Approximately 100 persons alleged to have been ill, Campbell County. Examination of samples showed Kitts Ice Cream, Reading Ohio, intestinal type organism; Delicious Ice Cream Co., Salmonalla oraniensburg, food poisoning organism.

3-15-46 Mild outbreak of nausea at a Jefferson County school, probably due to contamniated water. No samples taken.

3-15-45 Mild ptomaine poisoning at Jefferson County High School, believed caused by school lunch served. No sample taken.

3-1-46 Louisiana State basketball team, eating at Kentucky Hotel, Louisville, Ky., suffered food poisoning. No samples taken.

11-2-46 Food poisoning in Owensboro, Daviess County. No. of cases—10. One death. Those invloved purchased barbecued mutton from a restaurant and took it home to eat. Not reported by doctor for five days. No food sample available.

1-18-46 Food poisoning in Harlan County. Lemon pie from bakery in Johnson City, Tennessee. Seven cases. No food specimens available.

2-5-46 Food poisoning, Columbia, Kentucky. 57 cases. Vehicle: chicken stew.

4-19-46 Food poisoning, Fort Thomas, Ky. 28 cases. Street vendor sold approximately 37 dozen fudgecicles. Ice cream and ice cream mix found

o. k. Fudgecicles found to contain Salmonella oranienburg, identified by National Salmonella Center.

10-12-46 Food poisoning from cream filled chocolate cakes. Nine cases, no deaths. Baker in this bakery had been discharged before investigation began. Pastry showed presence of staphylococcus aureus.

2-8-46 Food poisoning in Jefferson County. Two cases. Vehicle: Orange Juice. No preservatives or toxic metals found in orange juice.

2-16-46 Food poisoning in Jefferson County. Pumpkin pie was reported vehicle. One case. No organisms isolated, belonging to typhoid-paratyphoid-dysentry group.

2-18-46 Food poisoning in Jefferson County. Lemon pie reported vehicle. Four cases. No potentially pathogenic organisms were isolated by examination.

2-28-46 Food poisoning in Jefferson County. Vehicle: chicken salad. Two cases. No specimens available for analysis.

3-12-46 Food poisoning in Jefferson County. Sausage reported. Three cases. No potentially pathogenic organisms isolated from specimen of sausage.

3-13-46 Food poisoning in Jefferson County. Roast beef reported. 262 reported cases. No food specimens available for analysis.

4-28-46 Food poisoning in Jefferson County. Corn meal reported. One case. Suspected glass added to corn meal. Examination of meal failed to disclose any glass.

5-16-46 Food poisoning in Jefferson County. Causative agent unknown. Four cases. Turkey dinner

at hotel. Specimens food failed to show pathogenic organisms.

6-10-46 Food poisoning in Jeferson County. Ham suspected. Three cases. Ham showed presence of staphylococcus aureus. Ham, subsequent to being eaten was contaminated by improper handling and refrigeration.

7-23-46 Weiners (sausage) cause of food poisoning in Jefferson County. One person involved. No specimen available for analysis.

11-12-46 Food poisoning in Jefferson County. One person involved. Canned chicken noodle soup suspected. No specimen available for analysis.

12-7-46 Food poisoning in Jefferson County. One person involved. Fried oysters suspected. Not reported until six days after attack.

BEVERAGES

A18926 1-4-46 Orange Concentrate. Dlr: Dr. Pepper Bottling Co., Danville, Ky. Mfgr: Harrison's Orange Products, Chicago, Ill. Analysis: No monochloracetic acid or saccharin found.

A18927 1-4-46 Dunn's Orange Beverage. Dlr: Dr. Pepper Bottling Co., Danville, Ky. Mfgr: Dr. Pepper Bottling Co., Danville, Ky. Analysis: No monochloracetic acid or saccharin found.

A18644 1-7-46 Pepsi Cola and contents (dead Mouse). Dlr: A&P Stores, Owensboro, Ky. Mfgr: Pepsi Cola Bottling Works, Owensboro, Kentucky. Analysis revealed: partially decomposed mouse.

A18510 3-5-46 Sunfresh Orange Drink. Dlr: California Citrus Juice Co., Lexington, Ky. Mfgr. Same. Analysis: No monochloracetic acid or saccharin found.

A18881	4-18-46	Wonder Beverage. Mfgr: Wonder Orange Co., Chicago, Ill. Dlr: Clinton Bottling Works, Clinton, Ky. Analysis: Large numbers of yeast ascospores. No monochloracetic acid found. Claimed to have made several persons ill.
19630	5-28-46	Cooks beer (empty bottle-contents) Dlr: F. W. Cook, Goldbloom Co., Evansville, Ky. Party drank contents of bottle and was ill. Analysis: Decomposed cockroach.
A20193	5-30-46	Cream Soda Water. Dlr. Clinton Bottling Works, Clinton, Kentucky. Mfgr: Same. Analysis: Presence of yeast cells, presence of alcohol indicates fermentation had taken place.
A17889	9-3-46	Orange flavored beverage. Mfgr: Jay-Lee Products Co., Cincinnati, O. Analysis: Not adulterated.
A17890	9-3-46	Orange flavored beverage. Mariemont, O. Glacier Springs Bottling Company. Analysis: Not adulterated.
A19730	7-25-46	Concentrate—Beverage. Dlr: Jo Best, Louisville, Ky. Mfgr: Partru Corporation, Cincinnati, Ohio. Not adulterated.
A18887	5-22-46	Tropical Treat "Delicious Orange Drink". Dlr: Juce Rich Co., Louisville, Ky. Mfgr: same. Analysis: 20% orange juice. Not adulterated with monochloracetic acid or saccharin.
A19731	7-25-46	Beverage Base—Orange flavor. Fenley Model Dairy, Dlr. Mfr: Bireley's, Inc., Hollywood, Calif. Not adulterated.
A18580	9-14-46	Imitation Strawberry, Lemon and Lime Syrup. Dlr: Warren D. Rash Co., Middlesboro, Ky. Jobber: Gladys Sales Co., New York. Mr. Evans of Fed. Food and Drug.

A17891 9-6-46 Grape Flavored Concentrate. Dlr: O-So-Grape Bottling Co., Owensboro, Kentucky. Mfgr: Same, Chicago, Ill. Contained benzoic acid not declared on label.

A19186 6-10-46 Prune Juice. Mfgr: Pan-American Food Products Co., Chicago, Ill. Contains monochloracetic acid. Short volume. Not passed.

A19187 6-10-46 Pineapple Drink. Same as above. Short volume. Not passed.

A19188 6-10-46 Orange Drink. Same as above. Short volume. Not passed.

A19189 6-10-46 Pineapple Orange drink. Same as above. Short. Not passed.

A19190 6-10-46 Papaya Drink. Same as above. Short volume. Not passed.

A19191 6-10-46 Grapefruit Drink. Same as above. Short volume. Not passed.

A19952 8-16-46 Orange flavored drink. Pan-American Food Products Co., Chicago, Ill. Misbranded: short volume.

A19953 8-16-46 Imitation Grape. Same as above. Misbranded: short volume.

A19954 8-16-46 Pineapple Orange Drink. Same as above. Apparently not misbranded or adulterated.

A19955 8-16-46 Prune Juice. Same as above. Misbranded: short volume.

A19956 8-16-46 Papaya Drink. Same as above. Misbranded: short volume.

A19957 8-16-46 Grapefruit Flavored Drink. Same as above. Misbranded: short volume.

A19958 8-16-46 Pineapple Flavored Drink. Same as above. Apparently not adulterated or misbranded. Food and Drug Administration

had also found products of this concern to contain monochloracetic acid, artificial coloring, short volume.

CANDY SAMPLES

A18928 1-7-46 Chocolate candy. Mfgr: Jane Louise Candies, Lancaster, Pa. Rodent contamination. Our information to Pennsylvania Health Dept. led to conviction and penalty to this firm.

A19176 1-21-46 Candy. Dlr: Burkesville Gro. Co., Burkesville, Ky. Mfgr: J. and J. Candy Co., Charlotte, N. C. No filth found.

CEREALS

A18297 1-9-46 Raisinwheat cereal. Dlr: Kroger Gro. and Bkg. Co., St. Matthews, Ky. Mfgr: Skinner Mfg. Co., Omaha, Neb. Filthy: insect excreta pellets, black ants, cocoons, beetles, Advised Food and Drug Adm.

A18298 1-8-46 Raisin Wheat. Same as above. 27 packages destroyed. Filthy. This is Federal sample.

CEREALS (Baked Goods)

A18939 11-20-46 Bread Crumbs. Dlr: General Baking Co., Also manufacturer. Examination: rodent hairs, insect wing.

A18937 11-18-46 Coffee cake—sweet rolls. Dlr: Linker Bros., Louisville, Ky. Mfgr: Same. No filth. Passed.

A18936 11-18-46 Sweet flour. Dlr: Linker Bros., Louisville, Ky. Mfgr: Krapp Wholesale, Chicago, Ill. Examination revealed: rodent hairs, excreta, flour beetles.

A16696 12-12-45 Namico Middlings. Dlr: Thirteenth St. Market, Ashland, Ky. Sample did not contain anything of poisonous nature.

A19841 12-31-46 Roll. Dlr: Canary Cottage, Louisville, Ky. Mfgr: Same. No filth found.

A18513 6-26-46 Bread (French type) Dlr: Greendale school, Greendale, Ky. Mfgr: Eastern State Hospital. Failed to show food poisoning group.

DAIRY PRODUCTS—Butter

A18406 6-14-46 Butter. Model Farms Dairy, Inc. Chemical: Passed.

A18408 6-14-46 Butter. Finley Model Dairy. Chemical. Passed.

A19196 6-13-46 Butter. Sugar Creek Creamery. Passed.

A19200 6-13-46 Butter. F. M. Perkins and Sons. Passed.

A19198 6-13-46 Butter. Mfr: Blue Valley Creamery. Passed.

A19194 6-13-46 Butter. Mnfr: Field's Creamery, Owensboro. Passed.

A19199 6-13-46 Butter. Mnfr: F. M. Perkins and Sons. Not adulterated. Passed.

A18409 6-18-46 Butter. Mfr: Princeton Cream and Butter Co., Passed.

A18411 6-19-46 Butter. Mfr: Ryan Milk Products Co. Passed.

A18413 6-19-46 Butter. Mfr: Mid-West Dairy Products Co., Passed.

A19193 6-12-46 Butter. Mfr: Field's Creamery Mold count: Passed. Excessive moisture, deficient in fat.

A18405 6-14-46 Butter. Mfr: Model Farms Dairy, Inc. Mold count: passed. Excessive moisture.

A18407 6-14-46 Butter. Mfr: Fenley Model Dairy. Mold count: passed. Excessive moisture.

A18410	6-18-46	Butter. Mfr: Princeton Cream and Butter Co. passed.
A18412	6-19-46	Butter. Mfr: Ryan Milk Products Co. passed.
A18414	6-19-46	Butter. Mfr: Midwest Dairy Products Co. passed.
A19726	7-25-46	Butter. Mfr: Fenley Model Dairy. Passed.
A18966	7-25-46	Print butter. Mfr: French Bauer, Inc., Dlr: Somerset Creamery. passed.
A18969	7-20-46	Print butter. Dlr: and Mfr: Blue Grass Butter Co. passed.
A18955	7-20-46	Print butter. Dlr: and Mfr. Borders Pure Milk Co. passed.
A18958	7-20-46	Print butter. Dlr: and Mfr: Brown Ice Cr. Co. passed.
A18960	7-20-46	Print butter. Dlr: and Mfr: Brown Ice Cr. Co. passed.
A18963	7-20-46	Print Butter. Dlr: W. D. Phelps. Mfr: Borders Pure Milk Co. passed.
A18965	7-25-46	Print butter. Dlr: Somerset Creamery. Mfr: French-Bauer, Inc. passed
A18968	7-25-46	Print butter. Dlr: and Mfr: Blue Grass Butter Co. passed.
A19727	7-25-46	Print butter. Mfr: Fenley Model Dairy. passed.
A18953	7-20-46	Print butter. Mfr: and Dlr: Borders Pure Milk Co. passed.
A19927	9-6-46	Print butter. Mfr. and Dlr. Borders Pure Milk Co. passed.
A19928	9-6-46	Print butter. Mfr. and Dlr: Borders Pure Milk Co. passed.
A19729	7-25-46	Butter. Mfr: Armour and Co. Passed.

A19728	7-25-46	Butter. Mfr: Armour and Co. Mold count. passed. Adulterated: excessive moisture, deficient in fat.
A19197	Butter 6-13-46	Mfr: Blue Valley Creamery. Mold count: passed. Excessive moisture.
A20345	7-23-46	Butter. Mfr: Blue Valley Creamery. Mold count: passed.
A20344	7-23-46	Butter. Mfr: Blue Valley Creamery. Mold count: passed. Adulterated: Excessive moisture.
A19195	6-13-46	Butter. Mfr: Sugar Creek Creamery. Passed.
A20343	7-23-46	Butter. Mfr: Sugar Creek Creamery. Passed.
A20342	7-23-46	Butter. Mfr: Sugar Creek Creamery. Mold count: passed. Adulterated: excessive moisture, deficient in fats.

DAIRY PRODUCTS (Ice Cream Mix)

A18381	1-8-46	Ice cream mix. Dlr: Market Milk Adm., Louisville, Ky. passed.
A20333	7-15-46	Ice cream mix. Dlr: Fenley Model Dairy, Louisville. Low in fat content.
A20334	7-15-46	Ice cream mix. Mfr: Haywood Dairy, Louisville. Low in fat content.
A20336	7-19-46	Ice cream mix. Mfr: Ewing Von Allmen Dairy, Louisville, Ky. passed.
A20337	7-19-46	Ice cream mix. Mfr: Oscar Ewing, Inc., Louisville, Ky. passed.
A20338	7-20-46	Ice cream mix. Mfr: Plainview Farms Dairy, Louisville, passed.
A20339	7-19-46	Ice cream mix. Mfr: Walnut Grove Dairy, Louisville. Low in fat content.

A18959	7-20-46	Ice cream mix. Mfr: Borders Pure Milk Co., Bowling Green, Ky. passed.
A18964	7-23-46	Ice cream mix. Mfr: H. B. Milk Co., Frankfort. passed.
A18967	7-25-46	Ice cream mix. Mfr: Swiss San. Milk Co., Danville. passed.
A18970	7-25-46	Ice cream mix. Mfr: Blue Grass Butter Co., Harodsburg. passed.
A20350	7-24-46	Ice cream mix. Mfr: Butterman Ice Cream Co., Inc., Louisville, passed.
A20349	7-24-46	Ice cream mix. Mfr: Mellwood Dairy, Louisville, passed.
A20348	7-24-46	Ice cream mix. Mfr: Sure Pure Milk Co., Louisville. Adulterated: low in fat content.
A19926	9-6-46	Ice cream mix. Mfr: Borders Pure Milk Co., Bowling Green, Ky., passed.
A19931	9-6-46	Ice cream mix. Mfr: Elm Grove Dairy, Bowling Green, passed.
A19930	9-6-46	Ice cream mix. Mfr: Brown Ice Cream and Milk Co., Bowling Green. Adulterated: below legal standard in milk fat.
A18957	7-20-46	Ice cream mix. Brown Ice Cream Co. Bowling Green, passed.
A18956	7-20-46	Ice cream mix. Pet Milk Co., Bowling Green, passed.
A19929	9-6-46	Ice cream mix. Pet Milk Co., Bowling Green. Milk fat content below legal standard—adulterated.
A18161	11-4-46	Ice cream mix. Brown Ice Cream Co., Bowling Green, passed.

DAIRY PRODUCTS (Milk)

A13943	1-17-46	Milk—culture of organism isolated from milk. Christian County Health Department, Hopkinsville. Culture was E. coli.

A18877 3-21-46 Milk (fresh). Union County Health Dept. Examination disclosed absence of streptococcus colonies.

A 5922 3-21-46 Milk containing 5% formalin solution. Union County Health Dept. No bacterial growth.

DAIRY PRODUCTS (Milk)

Milk—The bacterial count of Grade "A" raw milk should be 50,000 or less per c. c. Grade "A" pasteurized milk should be 30,000 or less per c. c. The butter fat not less than 3:25%; temperature of milk as it is sold not more than 50°F.

ANDERSON COUNTY

3-25-46 Raw Milk. Clyde Hanks. Passed
4-22-46 Raw Milk. Clyde Hanks. Passed
5-21-46 Raw Milk. Clyde Hanks. High bacteria
6-10-46 Raw Milk. Clyde Hanks. Passed
7 -8-46 Raw Milk. Clyde Hanks. High bacteria
8-12-46 Raw Milk. Clyde Hanks. Passed
9-16-46 Raw Milk. Clyde Hanks. Passed
11-18-46 Raw Milk. Clyde Hanks. Passed
3-25-46 Raw Milk. Frank Martin. Passed
4-22-46 Raw Milk. Frank Martin. High bacteria
5-21-46 Raw Milk. Frank Martin. High bacteria
6-10-46 Raw Milk. Frank Martin. High bacteria
7 -8-46 Raw Milk. Frank Martin. High bacteria
8-12-46 Raw Milk. Frank Martin. High bacteria
9-16-46 Raw Milk. Frank Martin. High bacteria
11-18-46 Raw Milk. Frank Martin. High bacteria.
3-25-46 Grade A pasteurized. Sunny Dale. High bacteria
4-22-46 Grade A pasteurized. Sunny Dale. Passed
5-21-46 Grade A pasteurized. Sunny Dale. Passed
6-10-46 Grade A pasteurized. Sunny Dale. High bacteria
7 -8-46 Grade A pasteurized. Sunny Dale. High bacteria
8-12-46 Grade A pasteurized. Sunny Dale. Passed
9-16-46 Grade A pasteurized. Sunny Dale. High bacteria
11-18-46 Grade A pasteurized. Sunny Dale. High bacteria

3-25-46 Raw Milk. W. E. Young. Passed
4-22-46 Raw Milk. W. E. Young. Passed
5-21-46 Raw Milk. W. E. Young. Passed
6-10-46 Raw Milk. W. E. Young. Passed
7 -8-46 Raw Milk. W. E. Young. Passed
8-12-46 Raw Milk. W. E. Young. Passed
9-16-46 Raw Milk. W. E. Young. Passed
11-18-46 Raw Milk. W. E. Young. Passed

BELL COUNTY

3 -6-46 Raw Milk. W. P. Creswell. Passed
3-21-56 Raw Milk. W. P. Creswell. Passed
4-10-46 Raw Milk. W. P. Creswell. Passd
6-12-46 Raw Milk. W. P. Creswell. Passed
10- 3-46 Raw Milk. W. P. Creswell. Passed
11-13-46 Raw Milk. W. P. Creswell. Passed
3- 6-46 Raw Milk. Ward Chumley. Passed
3-21-46 Raw Milk. Ward Chumley. Passed
4-10-46 Raw Milk. Ward Chumley. Passed
6-12-46 Raw Milk. Ward Chumley. Passed
10- 3-46 Raw Milk. Ward Chumley. Passed
3- 6-46 Pasteurized Milk. Cumberland. High bacteria
3-21-46 Pasteurized Milk. Cumberland. High bacteria
4-10-46 Pasteurized Milk. Cumberland. High bacteria and low butter fat
6-12-46 Pasteurized Milk. Cumberland. High bacteria
10- 3-46 Pasteurized Milk. Cumberland. High bacteria
11-13-46 Pasteurized Milk. Cumberland. High bacteria
11- 3-46 Pasteurized Milk. Cumberland. High bacteria
3 -6-46 Raw Milk. Mrs. Shelton Evans. Passed
3-21-46 Raw Milk. Mrs. Shelton Evans. Passed
4-10-46 Raw Milk. Mrs. Shelton Evans. Low in butter fat
6-12-46 Raw Milk. Mrs. Shelton Evans. Passed
11-13-46 Raw Milk. Mrs. Shelton Evans. Passed
3- 6-46 Raw Milk. Nuckol. High bacteria
3-21-46 Raw Milk. Nuckol. High bacteria
4-10-46 Raw Milk. Nuckol. Passed
6-12-46 Raw Milk. Nuckol. High bacteria and low in butter fat

10- 3-46 Raw Milk. Nuckol. Passed
3- 6-46 Pasteurized Milk. Pineville Milk Co. High bacteria
3-21-46 Pasteurized Milk. Pineville Milk Co. Low in butter fat
4-10-46 Pasteurized Milk. Pineville Milk Co. High bacteria
4-23-46 Pasteurized Milk. Pineville Milk Co. High bacteria
6-12-46 Pasteurized Milk. Pineville Milk Co. High bacteria
10- 3-46 Pasteurized Milk. Pineville Milk Co. High bacteria
11-13-46 Pasteurized Milk. Pineville Milk Co. High bacteria
3- 6-46 Pasteurized Milk. A. B. Snyder & Son. Passed
3-21-46 Pasteurized Milk. A. B. Snyder & Son. Passed in bacteria count, low in butter fat
4-10-46 Pasteurized Milk. A. B. Snyder & Son. High bacteria, low butter fat
4-10-46 Pasteurized Milk. A. B. Snyder & Son. High bacteria, low butter fat
4-23-46 Pasteurized Milk. A. B. Snyder & Son. High bacteria, low in butter fat
6-12-46 Pasteurized Milk. A. B. Snyder & Son. High bacteria
6-12-46 Pasteurized Milk. A. B. Snyder & Son. High bacteria
10- 3-46 Pasteurized Milk. A. B. Snyder & Son. Passed
10- 3-46 Pasteurized Milk. A. B. Snyder & Son. High bacteria
11-13-46 Pasteurized Milk. A. B. Snyder & Son. Passed
11- 3-46 Pasteurized Milk. A. B. Snyder & Son. High bacteria
4-23-46 Raw Milk. Bill Bolton. Low in butter fat
11-13-46 Raw Milk. Beechwood. Passed
4-23-46 Raw Milk. D. A. Brooks. Passed
4-23-46 Raw Milk. R. R. Burchett, High bacteria
4-23-46 Raw Milk. Claude Estes. High bacteria
4-23-46 Raw Milk. Mrs. C. W. Johnson. High bacteria
4-23-46 Raw Milk. Ida Trent. High bacteria
4- 3-46 Milk to be pasteurized, F. Brantley. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. A. B. Snyder & Son. Preservative added (no count made)
4 -3-46 Milk to be pasteurized. J. H. Wheeler. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. G. W. Smith. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. H. L. Malone. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Southern Bros. Preservative added (no count made)
4- 3 46 Milk to be pasteurized. H. C. Parkey. Sour and curdled, unfit for analysis
4- 3-46 Milk to be pasteurized. E. D. Parkey. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Hattie Chambers. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Ida Rose. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Julius Roland. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Geo. Gurgerson. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Claude Estes. Preservative added (no count made)
4- 3-46 Milk to be pasteurized Curt Stapleton. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Bill Bolton. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Mack Hurst. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. D. A. Brooks. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Kenneth Dalton. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. J. C. Dalton. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Jewell Bailey. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Jimmie Vannoy. Sour, unfit for F. P. Det.
4- 3-46 Milk to be pasteurized. W. M. West. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. H. B. Sharp. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Mrs. W. P. Allen. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. John Ball. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. H. D. Crockett. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Mrs. Owens. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. J. M. Clawson. Preservative added (no count made)

4 -3-46 Milk to be pateurized. H. C. Mills. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Wm. Bolinger. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Mrs. W. Johnson. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Lee Miracle. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. J. R. Sharp. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. A. D. Golden. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Clay Bolinger. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. A. D. Sharp. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Marshall Johnson. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Nola Harrison. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Sam Eldridge. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Curt Ausmus. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Chas. Coleman. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Onzo Johnson. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Albert Davis. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Rufus Jaynes. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Sam Treece. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. A. W. Haines. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Ida Trent. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Henry Smith. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Tip Chadwell. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. B. L. Bailey. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. W. H. Starnes. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. G. E. Hobbs. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. G. L. MacDaniels. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. J. H. Brim. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. W. A. Bays. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. T. B. Fugate. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. G. S. Brooks. Preservative added (no count made)

4 -3-46 Milk to be pasteurized. Zula Gibson. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Roy Crockett. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. R. R. Burchett. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. Carson Hackney. Preservative added (no count made)

4- 3-46 Milk to be pasteurized. H. H. Wilder. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. H. D. Vandeventer. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. A. B. Snyder & Son. Sour, unfit for analysis
4- 3-46 Milk to be pasteurized. Clara Dossett. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. W. G. Meadows. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. H. H. Leach. Sour, unfit for analysis
4- 3-46 Milk to be pasteurized. Jim Howard. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. White Jaynes. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Chas. Vannoy. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Mrs. Tom Johnson. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. P. L. Berry. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Ed Bryant. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Ray Templin. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Auto Treece. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Ralph Templin. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Tip Williams. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Viola Ausmus. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Bill Evans. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Jess Ausmus. Preservative added (no count bade)

4 -3-46 Milk to be pasteurized. Lee Gibson. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Bill Hatfield. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Milt Beeler. Preservative added (no count made)
4- 3-46 Milk to be pasteurized. Pineville Milk Co. Preservative added (no count made)

BOURBON COUNTY

1-22-46 Pasteurized Grade A. Ashland. Passed
2-20-46 Pasteurized Grade A. Ashland. High bacteria
3-12-46 Pasteurized Grade A. Ashland. High bacteria
4-16-46 Pasteurized Grade A. Ashland. High bacteria
5-21-46 Pasteurized Grade A. Ashland. High bacteria
6-18-46 Pasteurized Grade A. Ashland. High bacteria
7-24-46 Pasteurized Grade A. Ashland. High bacteria
8-20-46 Pasteurized Grade A. Ashland. High bacteria, low butter fat
11-12-46 Pasteurized Grade A. Ashland. High bacteria.
9-23-46 Pasteurized Grade A. Ashland. High bacteria
1-22-46 Grade A Raw. Daugherty. High bacteria
1-22-46 Pasteurized Grade A. Forward Farm. Passed
2-20-46 Pasteurized Grade A. Forward Farm. High bacteria
3-12-46 Pasteurized Grade A. Forward Farm. High bacteria
4-16-46 Pasteurized Grade A. Forward Farm. Passed
4-16-46 Raw Grade A. Forward Farm. High bacteria
4-16-46 Raw Grade A. Forward Farm. High bacteria
4-16-46 Raw Grade A. Forward Farm. High bacteria
5-21-46 Pasteurized Grade A. Forward Farm. High bacteria
6-18-46 Pasteurized Grade A. Forward Farm. High bacteria
6-26-46 Pasteurized Grade A. Forward Farm. Passed
7-24-46 Pasteurized Grade A. Forward Farm. High bacteria

7-29-46 Pasteurized Grade A. Forward Farm. High bacteria
8-20-46 Raw Grade A. Forward Farm. Passed
9-23-46 Pasteurized Grade A. Forward Farm. Passed
11-12-46 Pasteurized Grade A. Forward Farm. High
1-22-46 Grade A Raw Milk. R. L. Wilson. Passed
2-20-46 Grade A Raw Milk. R. L. Wilson. High bacteria, low butter fat
3-12-46 Grade A Raw Milk. R. L. Wilson. High bacteria
4-16-46 Grade A Raw Milk. R. L. Wilson. Passed
5-21-46 Grade A Raw Milk. R. L. Wilson. Passed
6-18-46 Grade A Raw Milk. R. L. Wilson. High bacteria, low in butter fat
7-24-46 Grade A Raw Milk. R. L. Wilson. Passed
8-20-46 Grade A Raw Milk. R. L. Wilson. Passed
9-23-46 Grade A Raw Milk. R. L. Wilson. High bacteria
11-12-46 Grade A Raw Milk. R. L. Wilson. Passed
3-12-46 Steelway Farm Gr. A past. Steelway Farm. High bacteria
3-12-46 Grade A Raw. Steelway Farm. High bacteria
4-16-46 Grade A Raw. Steelway Farm. High bacteria
7-29-46 Grade A Raw. Steelway Farm. High bacteria.
4- 4-46 Grade A Raw. B. A. Frank. Added water—none found
4-16-46 Grade A Raw. B. A. Frank. High bacteria
7-29-46 Grade A Raw. B. A. Frank. High bacteria
4-16-46 Grade A Raw. Dave Clark. Passed
5-21-46 Grade A Raw. Dave Clark. High bacteria
7-24-46 Grade A Raw. Dave Clark. High bacteria
4-16-46 Grade A Raw. Bishop. Passed
5-21-46 Grade A Raw. Bishop. High bacteria
4-16-46 Grade A Raw. Feeback. High bacteria
4-16-46 Raw Milk. Mrs. R. Craycraft. High bacteria
5-21-46 Raw Milk Grade A. Mrs. R. Craycraft. High bacteria
5-21-46 Grade A Raw. Richard McDaniel. High bacteria
7-24-46 Grade A Raw. Richard McDaniel. Passed
5-21-46 Pasteurized Grade A. Home Ice & Dairy Co. High bacteria

6-18-46 Pasteurized Grade A. Home Ice & Dairy Ca. High bacteria
7-24-46 Pasteurized Grade A. Home Ice & Dairy Co. High bacteria
8-20-46 Pasteurized Grade A. Home Ice & Dairy Co. High bacteria
9-23-46 Pasteurized Grade A. Home Ice & Dairy Co. High bacteria
11-12-46 Pasteurized Grade A. Home Ice & Dairy Co. High bacteria

BRACKEN COUNTY

2- 6-46 Raw Grade A. Brook-Dale. Passed
3-20-46 Rraw Grade A. Brook-Dale. Passed
4-17-46 Raw Grade A. Brook Dale. Passed
3-20-46 Raw, ungraded. Cline and Kelsch. High bacteria
4-17-46 Raw, ungraded. Cline and Kelsch. High bacteria
5-29-46 Raw, ungraded. Cline and Kelsch. Passed
7-24-46 Raw, ungraded. Cline and Kelsch. High bacteria
8-28-46 Raw, ungraded. Cline and Kelsch. Passed
2- 6-46 Raw, ungraded. Cline and Kelsch. Passed
2- 6-46 Raw, ungraded. Fred Cook. Passed
3-20-46 Raw, ungraded. Fred Cook. Passed
4-17-46 Raw, ungraded. Fred Cook. Passed
5-29-46 Raw, ungraded. Fred Cook. High bacteria
6-12-46 Raw, ungraded. Fred Cook. High bacteria
7-26-46 Raw, ungraded. Fred Cook. High bacteria
8-28-46 Raw, ungraded. Fred Cook. High bacteria
9-11-46 Raw, ungraded. Fred Cook. High bacteria
2- 6-46 Raw Grade A. Kelly Ridge. High bacteria
3-20-46 Raw Grade A. Kelly Ridge. High bacteria
4-17-46 Raw Grade A. Kelly Ridge. High bacteria
5-29-46 Raw Grade A. Kelly Ridge. High bacteria
6-12-46 Raw Grade A. Kelly Ridge. High bacteria
2- 6-46 Raw, ungraded. Fred Welte. Passed
3-20-46 Raw, ungraded. Fred Welte. High bacteria
4-17-46 Raw, ungraded. Fred Welte. High bacteria
5-29-46 Raw, ungraded. Fred Welte. High bacteria

6-12-46 Raw, ungraded. Fred Welte. High bacteria
8-28-46 Raw, ungraded. Fred Welte. Passed
5-29-46 Raw, ungraded. John Buser. Low in butter fat
6-14-46 Raw, ungraded. John Buser. Passed
7-24-46 Raw, ungraded. John Buser. High bacteria
8-28-46 Raw, ungraded. John Buser. Passed
9-11-46 Raw, ungraded. John Buser. High bacteria
11-20-46 Raw, ungraded. John Buser. Passed
9-11-46 Raw Grade A. John Corliss. High bacteria

CLARK COUNTY

1-21-46 Raw Milk. G. E. Black. Passed
1-29-46 Raw Milk. G. E. Black. Passed
2-25-46 Raw Milk. G. E. Black. High bacteria
3- 4-46 Raw Milk. G. E. Black. High bacteria
3-12-46 Raw Milk. G. E. Black. High bacteria
4-29-46 Raw Milk. G. E. Black. High bacteria
4-22-46 Raw Milk. G. E. Black. High bacteria
6- 4-46 Raw Milk. G. E. Black. High bacteria
6-11-46 Raw Milk. G. E. Black. High bacteria
7-10-46 Raw Milk. G. E. Black. High bacteria
7-16-46 Raw Milk. G. E. Black. High bacteria
7-23-46 Raw Milk. G. E. Black. High bacteria
8-28-46 Raw Milk. G. E. Black. High bacteria
9-18-46 Raw Milk. G. E. Black. Passed
11-12-46 Raw Milk. G. E. Black. High bacteria
1-21-46 Raw Milk. Blackburn & Staley. High bacteria
1-29-46 Raw Milk. Blackburn & Staley. Passed
3-12-46 Raw Milk. Blackburn & Staley. High bacteria
6- 4-46 Raw Milk. Blackburn & Staley. High bacteria
6-11-46 Raw Milk. Blackburn & Staley. High bacteria
6-25-46 Raw Milk. Blackburn & Staley. High bacteria
11-26-46 Raw Milk. Blackburn & Staley. High bacteria
1-21-46 Raw Milk. Boyd Castle. High bacteria
1-29-46 Raw Milk. Boyd Castle. Passed
2-25-46 Raw Milk. Boyd Castle. Passed
3-12-46 Raw Milk. Boyd Castle. Passed
4-22-46 Raw Milk. Boyd Castle. Passed
6- 6-46 Raw Milk. Boyd Castle. Passed

7-10-46 Raw Milk. Boyd Castle. High bacteria
9-18-46 Raw Milk. Boyd Castle. High bacteria
11-12-46 Raw Milk. Boyd Castle. High bacteria
1-21-46 Grade A pasteurized. Marsh Dairy. Passed
2-20-46 Grade A pasteurized. Marsh Dairy. Passed
2-25-46 Grade A pasteurized. Marsh Dairy. Passed
3- 4-46 Grade A pasteurized. Marsh Dairy. Underpasteurized, high bacteria
3-12-46 Grade A pasteurized. Marsh Dairy. Passed.
3-19-46 Grade A pasteurized. Marsh Dairy. Passed
4- 2-46 Grade A pasteurized. Marsh Dairy. Passed
4- 9-46 Grade A pasteurized. Marsh Dairy. Passed
4-15-46 Grade A pasteurized. Marsh Dairy. Passed
4-29-46 Grade A pasteurized. Marsh Dairy. High bacteria
5- 1-46 Grade A pasteurized. Marsh Dairy. Passed
4-22-46 Grade A pasteurized. Marsh Dairy. High bacteria
5- 6-46 Grade A pasteurized. Marsh Dairy. Passed
5-27-46 Grade A pasteurized. Marsh Dairy. High bacteria
6- 6-46 Grade A pasteurized. Marsh Dairy. Passed
6-18-46 Grade A pasteurized. Marsh Dairy. Passed
6-25-46 Grade A pasteurized. Marsh Dairy.
7-10-46 Grade A Pasteurized Milk. Marsh Dairy. Passed
7-16-46 Grade A Pasteurized Milk. Marsh Dairy. Passed
7-23-46 Grade A Pasteurized Milk. Marsh Dairy. High bacteria
8- 5-46 Grade A Pasteurized Milk. Marsh Dairy. Passed
8-27-46 Grade A Pasteurized Milk. Marsh Dairy. Passed
9-11-46 Grade A Pasteurized Milk. Marsh Dairy. High bacteria
9-30-46 Grade A Pasteurized Milk. Marsh Dairy. Passed
10- 9-46 Grade A Pasteurized Milk. Marsh Dairy. Passed
10-23-46 Grade A Pasteurized Milk. Marsh Dairy. High bacteria
10-28-46 Grade A Pasteurized Milk. Marsh Dairy. Passed
11- 6-46 Grade A Pasteurized Milk. Marsh Dairy. High bacteria
11-26-46 Grade A Pasteurized Milk. Marsh Dairy. Passed
12- 3-46 Grade A Pasteurized. Marsh Dairy. Underpasteurized passed

1-21-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
1-29-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
2-20-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
3- 4-46 Grade A Past. Golden Guernsey. Marsh Dairy. Underpast. High bacteria
3-12-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
4- 2-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
4- 9-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
4-15-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
4-29-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
4-22-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
5- 1-46 Grade A Past. Golden Guernsey. Marsh Dairy. High bacteria
5- 6-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
5-27-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
6- 4-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
6-11-46 Grade A Past. Golden Guernsey. Marsh Dairy, Passed
6-18-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
6-25-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
7-10-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
7-16-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed

7-23-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
8- 5-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
8-27-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
9-11-46 Grade A Past. Golden Guernsey. Marsh Dairy. High bacteria
9-18-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
9-30-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
10- 9-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
10-23-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
10-28-46 Grade A Past. Golden Guernsey. Marsh Dairy. Passed
11-26-46 Grade A Past. Golden Guernsey. Marsh Dairy. High bacteria
2-20-46 Pasteurized, ungraded. Marsh Dairy. Passed
3- 4-46 Pasteurized, ungraded. Marsh Dairy. Passed
3- 4-46 Pasteurized, ungraded. Marsh Dairy. Passed
3-12-46 Pasteurized, ungraded regular. Marsh Dairy. Passed
3-12-46 Pasteurized, ungraded regular. Marsh Dairy. Passed
4- 2-46 Pasteurized, ungraded regular. Marsh Dairy. Passed
4- 9-46 Pasteurized, ungraded regular. Marsh Dairy. Passed
4-17-46 Pasteurized, ungraded regular. Marsh Dairy. Passed
4-29-46 Pasteurized, ungraded regular. Marsh Dairy. Passed
4-22-46 Pasteurized, ungraded regular. Marsh Dairy. Passed
5- 1-46 Pasteurized, ungraded regular. Marsh Dairy. Passed.

5- 6-46	Pasteurized, Passed	ungraded	regular.	Marsh Dairy.
6- 4-46	Pasteurized, Passed	ungraded	regular.	Marsh Dairy.
6-11-46	Pasteurized, Passed	ungraded	regular.	Marsh Dairy.
6-25-46	Pasteurized, Passed	ungraded	regular.	Marsh Dairy.
8-27-46	Pasteurized, Passed	ungraded	regular.	Marsh Dairy.
9-11-46	Pasteurized, Passed	ungraded	regular.	Marsh Dairy.
9-30-46	Pasteurized, Passed	ungraded	regular.	Marsh Dairy.
10- 9-46	Pasteurized, Passed	ungraded	regular.	Marsh Dairy.
1-21-46	Raw Milk. Osborne & Marsh. High bacteria			
2-25-46	Raw Milk. Osborne & March. High bacteria			
3-12-46	Raw Milk, ungraded. Osborne. High bacteria			
7-16-46	Raw Milk. F. Osborne. High bacteria			
7-23-46	Raw Milk. Fillmore & Osborne. High bacteria			
8-28-46	Raw Milk. Fillmore & Osborne. High bacteria			
9-18-46	Raw Milk. Fillmore & Osborne. High bacteria			
11-12-46	Raw Milk. Fillmore & Osborne. High bacteria			
1-21-46	Raw Milk. Tuttle and Osborne. Passed			
1-29-46	Raw Milk. Tuttle and Osborne. Passed			
2-25-46	Raw Milk. Tuttle and Osborne. Passed			
4-22-46	Raw Milk. Tuttle and Osborne. High bacteria			
6- 4-46	Raw Milk. Tuttle and Osborne. High bacteria			
6-11-46	Raw Milk. Tuttle and Osborne. High bacteria			
11-12-46	Raw Milk. Tuttle and Osborne. Passed			
1-21-46	Raw Milk. Ed Pruitt. Passed			
2-25-46	Raw Milk. Ed Pruitt. Passed			
3-12-46	Raw Milk Ed Pruitt. Passed			
3-19-46	Raw Milk. Ed Pruitt. Passed			
4-22-46	Raw Milk. Ed Pruitt. Passed			
4-22-46	Raw Milk. Ed Pruitt. Passed			
6- 4-46	Raw Milk. Ed Pruitt. Passed			
7-10-46	Raw Milk. Ed Pruitt. High bacteria			

7-23-46 Raw Milk. Ed Pruitt. Passed
9-18-46 Raw Milk. Ed Pruitt. Passed
11-12-46 Raw Milk. Ed Pruitt. Passed
1-21-46 Raw Milk. Troy Rogers. Passed
2-18-46 Raw Milk. C. E. Rogers. Passed
2-25-46 Raw Milk. Troy Rogers. Passed
1-29-46 Raw Milk. Cheairs & Robinson. Passed
3-19-46 Raw Milk. Cheairs & Robinson. Passed
3-26-46 Raw Milk. Cheairs & Robinson. Passed
7-10-46 Raw Milk. Cheairs & Robinson. High bacteria
7-23-46 Raw Milk. Cheairs & Robinson. Passed
9-18-46 Raw Milk. Cheairs & Robinson. Passed
11-18-46 Raw Milk. Cheairs & Robinson. Passed
1-29-46 Raw Milk. Ben Shearer. Passed
2-18-46 Raw Milk. Ben Shearer. Passed—low in fat
3-19-46 Raw Milk. Ben Shearer. Passed
5-28-46 Raw Milk. Ben Shearer. Passed
6-11-46 Raw Milk. Ben Shearer. Passed
7-23-46 Raw Milk. Ben Shearer. Passed
9-18-46 Raw Milk. Ben Shearer. High bacteria
10- 9-46 Raw Milk. Ben Shearer. Passed
11-18-46 Raw Milk. Ben Shearer. Passed
1-29-46 Grade A pasteurized. Wills Dairy. Passed
2-18-46 Grade A Pasteurized. Wills Dairy. Below legal fat standard
2-18-46 Raw Milk. Lyle & Gross. Passed
3- 4-46 Raw Milk. Lyle & Gross. High bacteria
4- 3-46 Raw Milk. Lyle & Gross. Passed
5- 6-46 Raw Milk. Lyle & Gross. High bacteria
5-28-46 Raw Milk. Lyle & Gross. Passed
6-25-46 Raw Milk. Lyle & Gross. High bacteria
7-10-46 Raw Milk. Lyle & Gross. High bacteria
7-23-46 Raw Milk. Lyle & Gross. Passed
9-18-46 Raw Milk. Lyle & Gross. Passed
2-18-46 Raw Milk. Charlie Shelton. Passed
5- 6-46 Raw Milk. Charlie Shelton. High bacteria
6-26-46 Raw Milk. Charlie Shelton. High bacteria
10-28-46 Raw Milk. Charlie Shelton. Passed
2-18-46 Grade A pasteurized. Vistalinda. Passed

3- 4-46 Grade A pasteurized. Vistalinda. Passed
3-19-46 Grade A pasteurized. Vistalinda. Passed
3-26-46 Grade A Pasteurized. Vistalinda. Passed
5- 6-46 Grade A pasteurized. Vistalinda. Passed
5-27-46 Grade A pasteurized. Vistalinda. High bacteria
6-11-46 Grade A pasteurized. Vistalinda. High bacteria
6-25-46 Grade A pasteurized. Vistalinda. Passed
7-23-46 Grade A pasteurized. Vistalinda. High bacteria
9-18-46 Grade A pasteurized. Vistalinda. Passed
10-28-46 Grade A pasteurized. Vistalinda. High bacteria
11- 6-46 Grade A pasteurized. Vistalinda. Passed
12- 3-46 Grade A pasteurized. Vistalinda. Passed
2-18-46 Grade A pasteurized (regular). Vistalinda. Passed
3-19-46 Grade A pasteurized (regular). Vistalinda. Passed
3-26-46 Grade A pasteurized (regular). Vistalinda. Passed
5- 6-46 Grade A pasteurized (regular). Vistalinda. High bacteria
5-27-46 Grade A pasteurized (regular). Vistalinda. High bacteria
7-23-46 Grade A pasteurized (regulor). Vistalinda. Passed
9-18-46 Grade A pasteurized (regular). Vistalinda. Passed
10-23-46 Grade A pasteurized (regular). Vistalinda. Passed
11- 6-46 Grade A pasteurized (regular). Vistalinda. Passed
12- 3-46 Grade A pasteurized (regular). Vistalinda. Passed
2-18-46 Pasteurized Cream Gr. A. Vistalinda. Passed
3-26-46 Pasteurized Cream Gr. A. Vistalinda. Passed
2-20-46 Grade A raw. Farris & Bradley. Passed
3- 4-46 Grade A raw. Farris & Bradley. High bacteria
6-25-46 Grade A raw. Farris & Gradley. High bacteria
8- 5-46 Grade A raw. Farris & Bradley. High bacteria
2-20-46 Raw Milk. Geary and Shearer. High bacteria
2-20-46 Raw Milk. Geary and Shearer. High bacteria
3-19-46 Raw Milk. Geary and Shearer. High bacteria
3-26-46 Raw Milk. Geary and Shearer. High bacteria
4- 2-46 Raw Milk. Geary and Shearer. High bacteria
4- 3-26 Raw Milk. Geary and Shearer. High bacteria
2-20-46 Raw Milk ungraded. Mrs. C. C. Little. Passed
3-26-46 Raw Milk ungraded. Mrs. C. C. Little. Passed
5-27-46 Raw Milk ungraded. Mrs. C. C. Little. Passed

2-20-46 Raw Milk. Berry Sams. Passed
3-19-46 Grade A pasteurized. Winchester Dairy. High bacteria
3-26-46 Grade A pasteurized. Winchester Dairy. Passed
4- 2-46 Grade A pasteurized. Winchester Dairy. Passed
5- 2-46 Grade A pasteurized. Winchester Dairy. High bacteria
5-28-46 Grade A pasteurized. Winchester Dairy. Passed
6- 4-46 Grade A pasteurized. Winchester Dairy. High bacteria
6-11-46 Grade A pasteurized. Winchester Dairy. Passed
6-25-46 Grade A pasteurized. Winchester Dairy. Passed
7-10-46 Grade A pasteurized. Winchester Dairy. Passed
7-16-46 Grade A pasteurized. Winchester Dairy. High bacteria
7-23-46 Grade A pasteurized. Winchester Dairy. High bacteria
8-28-46 Grade A pasteurized. Winchester Dairy. High bacteria
9-18-46 Grade A pasteurized. Winchester Dairy. Passed
11-18-46 Grade A pasteurized. Winchester Dairy. Under-pasteurized
2-25-46 Raw Milk. W. H. Tuttle. Passed
2-25-46 Raw Milk. T. S. Christopher. Passed
4-22-46 Raw Milk. T. S. Christopher. High bacteria
6- 4-46 Raw Milk. T. S. Christopher. High bacteria
2-25-46 Raw Milk. Raybourne. Passed
10-28-46 Raw Milk. Raybourne. High bacteria
12- 3-46 Raw Milk. Raybourne. Passed
2-25-46 Raw Milk. Wm. Witt. High bacteria
4-22-46 Raw Milk. Wm. Witt. High bacteria
2-25-46 Raw Milk. Walter Ballard. High bacteria
2-25-46 Raw Milk. Marsh. Passed
4-29-46 Raw Milk. Marsh and Parker. Possed
6- 4-46 Raw Milk, pasteurized. Marsh and Parker. Passed
6-11-46 Raw Milk. Marsh and Parker. High bacteria
6-25-46 Raw Milk. Marsh and Parker. Passed
7-10-46 Raw Milk. Reed and Marsh. High bacteria
7-16-46 Raw Milk. Reed and Marsh. High bacteria

7-23-46 Raw Milk. Reed and Marsh. High bacteria
8-28-46 Raw Milk. Reed and Marsh. Passed
9-18-46 Raw Milk. Reed and Marsh. Passed
11-12-46 Raw Milk. Marsh and Parker. Passed
3- 4-46 Raw Milk. Blackburn & Staley. High bacteria
3- 4-46 Raw Milk. E. W. Paynter. Passed
4-29-46 Raw Milk. E. W. Paynter. High bacteria
6- 4-46 Raw Milk. E. W. Paynter. High bacteria
7-10-46 Raw Milk. E. W. Paynter. High bacteria
9-18-46 Raw Milk. E. W. Paynter. High bacteria
3- 4-46 Raw Milk. Marsh and Caldwell. Passed
3-12-46 Raw Milk. Marsh and Caldwell. High bacteria
3-19-46 Raw Milk. Marsh and Caldwell. Passed
4-29-46 Raw Milk. Marsh and Caldwell. Passed
4-22-46 Raw Milk. Marsh and Caldwell. Passed
7-10-46 Raw Milk. Marsh and Caldwell. Passed
7-23-46 Raw Milk. Marsh and Caldwell. High bacteria
9-18-46 Raw Milk. Marsh and Caldwell. Passed
11-12-46 Raw Milk. Marsh and Caldwell. Passed
3- 4-46 Raw Milk. W. M. Murphy. Passed
3-12-46 Raw Milk. W. M. Murphy. Passed
3-19-46 Raw Milk. W. M. Murphy. High bacteria
4-29-46 Raw Milk. W. M. Murphy. High bacteria
3-12-46 Raw Milk. W. A. French. Passed
3-26-46 Raw Milk. Lyle and Gross. High bacteria
3-26-46 Raw Milk. Cecil Duncan. Passed
5- 6-46 Raw Milk. Cecil Duncan. High bacteria
6-25-46 Raw Milk. Cecil Duncan. High bacteria
10-28-46 Raw Milk. Cecil Duncan. High bacteria
3-26-46 Raw Milk. Guy Lee. High bacteria
3-26-46 Raw Milk. Guy Lee. Passed
5- 6-46 Raw Milk. Guy Lee. High bacteria
10-28-46 Raw Milk. Guy Lee. Passed
12- 3-46 Raw Milk. Guy Lee. High bacteria
3-26-46 Raw Milk. Charlie Shelton. High bacteria
4-15-46 Cream. Marsh Dairy. Passed
4-15-46 Buttermilk. Marsh Dairy. Low in solids not fat
4-29-46 Raw Milk. Congleton Bros. Passed
5- 6-46 Raw Milk. Congleton Bros. High bacteria
6-11-46 Raw Milk. Congleton Bros. Passed

6-25-46 Raw Milk. Congleton Bros. High bacteria
11-26-46 Raw Milk. Congleton Bros. Passed
4-22-46 Raw Milk. Geo. Conkwright. High bacteria
4-22-46 Raw Milk. Purcell Co. Passed
4-22-46 Raw Milk. Hoskins and Crawley. High bacteria
4-22-46 Raw Milk. A. L. Cannon. High bacteria
4-22-46 Raw Milk. Epperson & Davis. High bacteria
5-28-46 Raw Milk. Sosby & Thomas. Passed
6- 4-46 Raw Milk. Sosby & Thomas. Passed
7-10-46 Raw Milk. Sosby & Thomas. Passed
9-18-46 Raw Milk. Thomas & Sosby. Passed
11-12-46 Raw Milk. Thomas & Sosby. Passed
4-22-46 Raw Milk. W. S. Keen. Passed
4-16-46 Raw Milk. A. Devery. High bacteria
4-16-46 Raw Milk. W. H. Tuttle. High bacteria
6- 4-46 Raw Milk. McCready & Estes. Passed
6-11-46 Raw Milk. McCready & Estes. High bacteria
7-23-46 Raw Milk. McCready & Estes. Passed
11-12-46 Raw Milk. McCready & Estes. Passed
6- 4-46 Raw Milk. Marsh and Caldwell. Passed
6- 4-46 Raw Milk. John Hatton. Passed
6- 4-46 Raw Milk. O. D. and Cecil Marsh. High bacteria
11-12-46 Raw Milk. O. D. and Cecil Marsh. Passed
6- 4-46 Pasteurized Grade A. Unknown. Passed
6- 4-46 Raw Milk. John D. Pace. High bacteria
6- 4-46 Raw Milk. Bishop & Ecton. Passed
6-11-46 Raw Milk. Bishop & Ecton. Passed
6-25-46 Raw Milk. Bishop & Ecton. Passed
7-10-46 Raw Milk. Bishop & Ecton. Passed
7-23-46 Raw Milk. Bishop & Ecton. Passed
11-18-46 Raw Milk. Bishop & Ecton. Passed
6-11-46 Raw Milk. Lyle and Gross. Passed
11-18-46 Raw Milk. Lyle and Gross. Passed
7-10-46 Raw Milk. Farris and Bradley. Passed
7-16-46 Raw Milk. Knox and Roberts. High bacteria
7-23-46 Raw Milk. Knox and Roberts. High bacteria
8-27-46 Raw Milk. Knox and Roberts. Passed
8-28-46 Raw Milk. Knox and Roberts. Passed
9-18-46 Raw Milk. Knox and Roberts. Passed
10-28-46 Raw Milk. Robt. J. Hulse. High bacteria

11-18-46 Raw Milk. Shears and Roberts. High bacteria
9-26-46 Goat's Milk. Joe Brown. High bacteria

CLAY COUNTY

3- 6-46 Raw Milk. White Dairy. Passed
4- 3-46 Raw Milk. White Dairy. Passed
5-20-46 Raw Milk. White Dairy. Passed
6- 3-46 Raw Milk. White Dairy. Passed
6-13-46 Raw Milk. White Dairy. Passed
8- 7-46 Raw Milk. White Dairy. Passed
12- 5-46 Raw Milk. White Dairy. Passed

FLEMING COUNTY

1- 9-46 Raw Milk. Cannon. Passed
2- 5-46 Raw Milk. Cannon. High bacteria
10- 4-46 Raw Milk. Cannon. Passed
1- 9-46 Raw Milk. C. Carpenter. High bacteria
2- 5-46 Raw Milk. C. Carpenter. High bacteria
5-15-46 Raw Milk. C. Carpenter. Passed
10- 4-46 Raw Milk. C. Carpenter. High bacteria
1- 9-46 Raw Milk. E. Carpenter. High bacteria
6- 3-46 Raw Milk. E. Carpenter. Passed
7-11-46 Raw Milk. E. Carpenter. Passed
8- 8-46 Raw Milk. E. Carpenter. Passed
9-19-46 Raw Milk. E. Carpenter. Passed
10- 4-46 Raw Milk. E. Carpenter. Passed
10-10-46 Raw Milk. E. Carpenter. Passed
11- 6-46 Raw Milk. E. Carpenter. Passed
11-27-46 Raw Milk. E. Carpenter. Passed
1- 9-46 Raw Milk. J. Collins. High bacteria
2- 5-46 Raw Milk. J. Collins. Passed
3- 7-46 Raw Milk. J. Collins. Passed
4-25-46 Raw Milk. J. Collins. High bacteria
5-15-46 Raw Milk. J. Collins. Passed
6- 3-46 Raw Milk. J. Collins. High bacteria
7-11-46 Raw Milk. J. Collins. High bacteria
8- 8-46 Raw Milk. J. Collins. Passed
9-19-46 Raw Milk. J. Collins. Passed
10-10-46 Raw Milk. J. Collins. Passed

11- 6-46 Raw Milk. J. Collins. High bacteria
11-27-46 Raw Milk. J. Collins. Passed
1- 9-46 Raw Milk. Coyne. Passed
3- 7-46 Raw Milk. Coyne. High bacteria
9-19-46 Raw Milk. Coyne. Passed
10- 4-46 Raw Milk. Coyne. Passed
10-15-46 Raw Milk. Coyne. High bacteria
11- 6-46 Raw Milk. Coyne. High bacteria
11-27-46 Raw Milk. Coyne. High bacteria
3- 7-46 Raw Milk. Carman. High bacteria
3- 7-46 Raw Milk. McM. Cox. Passed
10- 4-46 Raw Milk. G. Carpenter. Passed
3- 7-46 Raw Milk. Glasscock. Passed
5-15-46 Raw Milk. Glasscock. Passed
6- 3-46 Raw Milk. Glasscock. Passed
7-11-46 Raw Milk. Glasscock. High bacteria
8- 8-46 Raw Milk. Glasscock. Passed
10- 4-46 Raw Milk. Glasscock. Passed
7-11-46 Raw Milk. Darnell. Passed
8- 8-46 Raw Milk. Darnell. High bacteria
10-10-46 Raw Milk. Darnell. Passed
11- 6-46 Raw Milk. Darnell. High bacteria
11-27-46 Raw Milk. Darnell. Passed
7-11-46 Raw Milk. Dairy Products Co. High bacteria
11- 6-46 Raw Milk. Dairy Products Co. High bacteria
11- 6-46 Raw Milk. Evans. Passed
11-27-46 Raw Milk. Evans. Passed
1- 9-46 Raw Milk. Henson. Passed
2- 5-46 Raw Milk. Henson. Passed
3- 7-46 Raw Milk. Henson. High bacteria
4-25-46 Raw Milk. Henson. High bacteria
5-15-46 Raw Milk. Henson. High bacteria
9-19-46 Raw Milk. Henson. Passed
10- 4-46 Raw Milk. Henson. Passed
10-10-46 Raw Milk. Henson. High bacteria
11- 6-46 Raw Milk. Henson. Passed
11-27-46 Raw Milk. Henson. High bacteria
2- 5-46 Raw Milk. Howe. Below legal standard in fat
11-27-46 Raw Milk. Howe. High bacteria
1- 9-46 Raw Milk. Jess Layton. High bacteria

2- 5-46 Raw Milk. Jess Layton. Passed
3- 7-46 Raw Milk. Jess Layton. High bacteria
1- 9-46 Raw Milk. D. B. Leadbetter. High bacteria
2- 5-46 Raw Milk. D. B. Leadbetter. Passed
3- 7-46 Raw Milk. D. B. Leadbetter. Passed
4-25-46 Raw Milk. D. B. Leadbetter. Passed
5-15-46 Raw Milk. D. B. Leadbetter. Passed
5-15-46 Raw Milk. D. B. Leadbetter. Passed
6- 3-46 Raw Milk. D. B. Leadbetter. High bacteria
7-11-46 Raw Milk. D. B. Leadbetter. High bacteria
8- 8-46 Raw Milk. D. B. Leadbetter. Passed
8- 8-46 Raw Milk. D. B. Leadbetter. Passed
9-19-46 Raw Milk. D. B. Leadbetter. Passed
10-10-46 Raw Milk. D. B. Leadbetter. Passed
11- 6-46 Raw Milk. D. B. Leadbetter. Passed
11-27-46 Raw Milk. D. B. Leadbetter. Passed
1- 9-46 Raw Milk. Rogers. Passed
7-11-46 Raw Milk. Rogers. Overgrown with B aerogenes
8- 8-46 Raw Milk. Rogers. Passed
10- 4-46 Raw Milk. Rogers. Passed
10-10-46 Raw Milk. Rogers. Passed
11- 6-46 Raw Milk. Rogers. Passed
11-27-46 Raw Milk. Rogers. Passed
1- 9-46 Raw Milk. Simon and Hunt. High bacteria
2- 5-46 Raw Milk. Simon and Hunt. Passed
3- 7-46 Raw Milk. Simon and Hunt. Passed
4-25-46 Raw Milk. Simon and Hunt. Passed
5-15-46 Raw Milk. Simon and Hunt. High bacteria
6- 3-46 Raw Milk. Simon and Hunt. High bacteria
7-11-46 Raw Milk. Simon and Hunt. High bacteria
8- 8-46 Raw Milk. Simon and Hunt. Passed
9-19-46 Raw Milk. Simon and Hunt. Passed
10- 4-46 Raw Milk. Simon and Hunt. High bacteria
10-10-46 Raw Milk. Simon and Hunt. Passed
11- 6-46 Raw Milk. Simon and Hunt. Passed
11-27-46 Raw Milk. Simon and Hunt. Passed
1- 9-46 Raw Milk. J. E. Smith. Passed
2- 5-46 Raw Milk. J. E. Smith. Passed
3- 7-46 Raw Milk. J. E. Smith. Passed
4-25-46 Raw Milk. J. E. Smith. Passed

5-15-46 Raw Milk. J. E. Smith. Passed
6- 3-46 Ra wMilk. J. E. Smith. High bacteria
7-11-46 Raw Milk. J. E. Smith. High bacteria
8- 8-46 Raw Milk. J. E. Smith. Passed.
9-19-46 Raw Milk. J. E. Smith. Passed
10-10-46 Raw Milk. J. E. Smith. Passed
11- 6-46 Raw Milk. J. E. Smith. Passed
11-27-46 Raw Milk. J. E. Smith. Passed
5-15-46 Raw Milk. Tally. Passed
5-15-46 Raw Milk. Tally. Passed
7-17-46 Raw Milk. Tally. Passed
7-17-46 Raw Milk. Tally. High bacteria
7-17-46 Raw Milk. Tally. High bacteria
7-17-46 Raw Milk. Tally. Passed
9-19-46 Raw Milk. Tally & Hinton. Passed
9-19-46 Raw Milk. Tally & Hinton. Passed
8- 8-46 Raw Milk. May. High bacteria
10- 4-46 Raw Milk. Stokely. Passed
11- 6-46 Raw Milk. Williams. Passed
11-27-46 Raw Milk. Moran. Passed
11-27-46 Raw Milk. Willows. Passed
4-25-46 Pasteurized. City View. Passed
5-15-46 Pasteurized. City View. High bacteria
6- 3-46 Pasteurized. City View. Passed
8- 8-46 Pasteurized. City View. Passed
9-19-46 Pasteurized. City View. High bacteria
9-19-46 Cream—Pasteurized. City View. High bacteria
11- 6-46 Pasteurized. City View. High bacteria
8- 8-46 Kroger. High bacteria
10-10-46 Pasteurized. Kroger. High bacteria
11- 6-46 Pasteurized. Kroger. Passed
11-27-46 Pasteurized. Kroger. High bacteria
10-10-46 Pasteurized. Hords. Passed
11-27-46 Pasteurized. Hords. Passed

FLOYD COUNTY

3- 6-46 Pasteurized Grade A. Guyan Creamery. High bacteria; below legal fat
6-18-46 Pasteurized Grade A. Guyan Creamery. High bacteria

8-15-46 Pasteurized Grade A. Guyan Creamery. High bacteria
3- 6-46 Grade A raw. Blackburn Bros. High bacteria
6-18-46 Grade A raw. Blackburn Bros. High bacteria
8-15-46 Grade A raw. Blackburn Bros. High bacteria
3- 6-46 Grade A raw. Blackburn Mayo Bros. High bacteria
6-18-46 Grade A raw. Blackburn Bros. High bacteria
8-15-46 Grade A raw. May Dairy. Passed
3- 6-46 Grade A raw. Valley View. Passed
6-18-46 Grade A raw. Valley View. High bacteria
8-15-46 Grade A raw. Valley View. High bacteria

CITY OF FRANKFORT

1- 8-46 Grade A pasteurized. H. and B. High bacteria
3- 4-46 Grade A pasteurized. H. and B. High bacteria
4-24-46 Pasteurized. H. and B. High bacteria
6- 3-46 Grade A pasteurized. H. and B. High bacteria
8- 7-46 Pasteurized. H. and B. High bacteria
8-20-46 Grade A pasteurized. H. and B. High bacteria
9-24-46 Pasteurized. H. and B. High bacteria
10-22-46 Pasteurized. H. and B. Passed
12- 4-46 Pasteurized. H. and B. High bacteria
1- 8-46 Grade A raw. Riverview Farm. High bacteria
3- 4-46 Grade A raw. Riverview Farm. High bacteria
3-20-46 Grade A raw. Riverview Farm. Passed
3-25-46 Grade A raw. Riverview Farm. Passed
3-27-46 Grade A raw. Riverview Farm. Passed
4-24-46 Grade A raw. Riverview Farm. Passed
4-24-46 Grade A raw. Riverview Farm. Passed
6- 3-46 Grade A raw. Riverview Farm. Passed
6- 3-46 Grade A raw. Riverview Farm. High bacteria
8- 7-46 Grade A raw. Riverview Farm. High bacteria; overgrown: B. aerogenes
8- 7-46 Grade A raw. Riverview Farm. High bacteria; overgrown: B. aerogenes
8-20-46 Grade A raw. Riverview Farm. High bacteria
9-24-46 Grade A raw. Riverview Farm. High bacteria
10-22-46 Grade A raw. Riverview Farm. High bacteria

12- 4-46 Grade A raw. Riverview Farm. High bacteria
1- 8-46 Grade A pasteurized. Riverview Farm. High bacteria; underpasteurized
3- 4-46 Grade A pasteurized. Riverview Farm. High bacteria; underpasteurized
3-20-46 Grade A pasteurized. Riverview Farm. Passed
3-25-46 Grade A pasteurized. Riverview Farm. Passed
3-27-46 Grade A pasteurized. Riverview Farm. Passed
4-24-46 Grade A pasteurized. Riverview Farm. Passed
4-24-46 Grade A pasteurized. Riverview Farm. Passed
6- 3-46 Grade A pasteurized. Riverview Farm. Passed
6- 3-46 Grade A pasteurized. Riverview Farm. High bacteria
8- 7-46 Grade A pasteurized. Riverview Farm. High bacteria
8- 7-46 Grade A pasteurized. Riverview Farm. High bacteria
8-20-46 Grade A pasteurized. Riverview Farm. High bacteria
9-24-46 Grade A pasteurized. Riverview Farm. High bacteria
10-22-46 Grade A pasteurized. Riverview Farm. High bacteria
12- 4-46 Grade A pasteurized. Riverview Farm. High bacteria
4-26-46 Raw Milk. Collins Dairy. Low in butter fat
6- 3-46 Raw Milk. David Collins. High bacteria
8- 7-46 Raw Milk. David Collins. Passed
8-20-46 Raw Milk. David Collins. Passed
9-24-46 Raw Milk. David Collins. Passed
10-22-46 Raw Milk. David Collins. Passed
12- 4-46 Raw Milk. David Collins. Passed
1- 8-46 Raw Milk. Oather Penn. High bacteria
1- 8-46 Raw Milk. Louis Luckett. Passed
3- 4-46 Raw Milk. Louis Luckett. Passed
4-24-46 Raw Milk. Louis Luckett. Passed
6- 3-46 Raw Milk. Louis Luckett. Passed
8- 7-46 Raw Milk. Louis Luckett. Passed
8-20-46 Raw Milk. Louis Luckett. High bacteria

9-24-46 Raw Milk. Louis Luckett. High bacteria
10-22-46 Raw Milk. Louis Luckett. Passed
12- 4-46 Raw Milk. Louis Luckett. Passed
1- 8-46 Raw Milk, Grade A. Long Bros. High bacteria
3- 4-46 Raw Milk, Grade A. Long Bros. High bacteria
3-25-46 Raw Milk, Grade A. Long Bros. Passed
4-24-46 Raw Milk, Grade A. Long Bros. Passed
6- 3-46 Raw Milk, Grade A. Long Bros. Passed
8- 7-46 Raw Milk, Grade A. Long Bros. Passed
9-24-46 Raw Milk, Grade A. Long Bros. Below legal fat standard
10-22-46 Raw Milk, Grade A. Long Bros. Passed
12- 4-46 Raw Milk, Grade A. Long Bros. Passed
1- 8-46 Raw Milk, Grade A. Elwood Hulette. Passed
3- 4-46 Raw Milk, Grade A. Elwood Hulette. Passed
4-24-46 Raw Milk, Grade A. Elwood Hulette. Passed
6- 3-46 Raw Milk, Grade A. Elwood Hulette. High bacteria
8- 7-46 Raw Milk, Grade A. Elwood Hulette. Passed
8-20-46 Raw Milk, Grade A. Elwood Hulette. Passed
9-24-46 Raw Milk, Grade A. Elwood Hulette. Passed
10-22-46 Raw Milk, Grade A. Elwood Hulette. Passed
12- 4-46 Raw Milk, Grade A. Elwood Hulette. Passed
1- 8-46 Raw Milk. G. C. Jesse. Passed
3- 4-46 Raw Milk. G. C. Jesse. Passed
4-24-46 Raw Milk. G. C. Jesse. Passed
6- 3-46 Raw Milk. G. C. Jesse. Passed
8- 7-46 Raw Milk. G. C. Jesse. Passed
8-20-46 Raw Milk. G. C. Jesse. Passed
9-24-46 Raw Milk. G. C. Jones. Passed
10-22-46 Raw Milk. G. C. Jesse. Passed
12- 4-46 Raw Milk. G. C. Jesse. Passed
1- 8-46 Raw Milk, Grade A. Franklin Goins. High bacteria
3- 4-46 Raw Milk, Grade A. Franklin Goins. Passed
4-24-46 Raw Milk, Grade A. Franklin Goins. High bacteria
6- 3-46 Raw Milk, Grade A. Franklin Goins. High bacteria
8- 7-46 Raw Milk, Grade A. Franklin Goins. High bacteria
8-20-46 Raw Milk, Grade A. Franklin Goins. High bacteria
9-24-46 Raw Milk, Grade A. Franklin Goins. High bacteria
10-22-46 Raw Milk, Grade A. Franklin Goins. High bacteria

12- 4-46 Raw Milk, Grade A. Franklin Goins. High bacteria
3- 4-46 Grade A raw. Frankfort Jersey. High bacteria
3-25-46 Grade A raw. Frankfort Jersey. High bacteria
4-24-46 Grade A Raw. Frankfort Jersey. High bacteria
6- 3-46 Grade A raw. Frankfort Jersey. High bacteria
8- 7-46 Grade A raw. Frankfort Jersey. High bacteria
8-20-46 Grade A raw. Frankfort Jersey. High bacteria
9-24-46 Grade A raw. Frankfort Dairy. High bacteria
10-22-46 Grade A raw. Frankfort Jersey. High bacteria
12- 4-46 Grade A raw. Frankfort Jersey. High bacteria

HARLAN COUNTY

2- 1-46 Pasteurized. Jersey Dairy. High bacteria
2- 1-46 Pasteurized. Jersey Dairy. High bacteria
2- 1-46 Pasteurized. Jersey Dairy. High bacteria
2- 1-46 Pasteurized. Jersey Dairy. High bacteria
2- 1-46 Pasteurized. Jersey Dairy. High bacteria
2- 1-46 Pasteurized. Jersey Dairy. Added water
2- 1-46 Pasteurized. Jersey Dairy. Added water
2- 1-46 Pasteurized. Jersey Dairy. High bacteria
2-26-46 Pasteurized. Jersey Dairy. Added water
2-26-46 Pasteurized. Jersey Dairy. Underpasteurized; low in butter fat
3- 5-46 Pasteurized. Jersey Dairy. High bacteria
3- 5-46 Pasteurized. Jersey Dairy. High bacteria
3-15-46 Pasteurized. Jersey Dairy. High bacteria
3-15-46 Pasteurized. Jersey Dairy. Not properly capped; milk lost
3-15-46 Pasteurized. Jersey Dairy. Not properly capped; milk lost
3-21-46 Pasteurized. Jersey Dairy. Passed; added water
3-21-46 Pasteurized. Jersey Dairy. High bacteria; added water
3-27-46 Pasteurized. Jersey Dairy. Underpasteurized; high bacteria
3-27-46 Pasteurized. Jersey Dairy. High bactreia
3-27-46 Pasteurized. Jersey Dairy. Low in butter fat
3-27-46 Pasteurized. Jersey Dairy. Low in butter fat
4-10-46 Pasteurized. Jersey Dairy. Sample unsatisfactory for chemical analysis

4-10-46 Pasteurized. Jersey Dairy. Sample unsatisfactory for chemical analysis
4-10-46 Pasteurized. Jersey Dairy. Sample unsatisfactory for chemical analysis
4-10-46 Pasteurized. Jersey Dairy. Sample unsatisfactory for chemical analysis
4-23-46 Pasteurized. Jersey Dairy. Passed
4-23-46 Pasteurized. Jersey Dairy. Passed
4-23-46 Pasteurized. Jersey Dairy. Passed
4-23-46 Pasteurized. Jersey Dairy. Passed
5- 7-46 Grade A pasteurized. Jersey Dairy. Added water
5- 7-46 Grade A pasteurized. Jersey Dairy. Added water
5- 7-46 Grade A pasteurized. Jersey Dairy. Added water
5- 7-46 Grade A pasteurized. Jersey Dairy. Added water
5-14-46 Pasteurized. Jersey Dairy. Underpasteurized
5-14-46 Pasteurized. Jersey Dairy. Underpasteurized
5-14-46 Pasteurized. Jersey Dairy. Underpasteurized
5-14-46 Pasteurized. Jersey Dairy. Underpasteurized
6-12-46 Pasteurized. Jersey Dairy. Not sufficiently iced; not fit for bacteriological examination; underpasteurized
6-12-46 Pasteurized. Jersey Dairy. Not fit for bacteriological examination
6-12-46 Pasteurized. Jersey Dairy. Not fit for bacteriological examination
6-12-46 Pasteurized. Jersey Dairy. Not fit for bacteriological examination
6-18-46 Pasteurized. Jersey Dairy. Not fit for bacteriological examination
6-18-46 Pasteurized. Jersey Dairy. Not fit for bacteriological examination
6-18-46 Pasteurized. Jersey Dairy. Not fit for bacteriological examination
6-18-46 Pasteurized. Jersey Dairy. Not fit for bacteriological examination
7- 2-46 Pasteurized. Jersey Dairy. High bacteria
7- 2-46 Pasteurized. Jersey Dairy. High bacteria
7- 2-46 Pasteurized. Jersey Dairy. High bacteria
7- 2-46 Pasteurized. Jersey Dairy. High bacteria

7-16-46 Pasteurized. Jersey Dairy. Unsatisfactory for bacteriological examination; all ice melted
7-16-46 Pasteurized. Jersey Dairy. Unsatisfactory for bacteriological examination; all ice melted
7-16-46 Pasteurized. Jersey Dairy. Unsatisfactory for bacteriological examination; all ice melted
7-16-46 Pasteurized. Jersey Dairy. Unsatisfactory for bacteriological examination; all ice melted
7-17-46 Pasteurized. Jersey Dairy. High bacteria
7-17-46 Pasteurized. Jersey Dairy. High bacteria
7-17-46 Pasteurized. Jersey Dairy. High bacteria
8- 7-46 Pasteurized. Jersey Dairy. High bacteria
8- 7-46 Pasteurized. Jersey Dairy. High bacteria
8- 7-46 Pasteurized. Jersey Dairy. High bacteria
8- 7-46 Pasteurized. Jersey Dairy. High bacteria
8- 7-46 Pasteurized. Jersey Dairy. High bacteria
8- 7-46 Pasteurized. Jersey Dairy. High bacteria
10-10-46 Pasteurized. Jersey Dairy. High bacteria
10-10-46 Pasteurized. Jersey Dairy. High bacteria
10-10-46 Pasteurized. Jersey Dairy. High bacteria
10-10-46 Pasteurized. Jersey Dairy. High bacteria
10-10-46 Pasteurized. Jersey Dairy. High bacteria
10-10-46 Pasteurized. Jersey Dairy. High bacteria
2-26-46 Raw. Hillcrest. High bacteria
2-26-45 Raw. Landrum. High bacteria; watered
5- 7-46 Raw. Landrum. High bacteria
5- 7-46 Raw. Landrum. Passed
2-26-46 Grade A pasteurized. Chappell. Underpasteurized; low butter fat; added water
2-26-46 Grade A pasteurized. Chappell. Underpasteurized; low butter fat; added water
3- 5-46 Grade A pasteurized. Chappell. Underpasteurized
3- 5-46 Grade A pasteurized. Chappell. Underpasteurized; below fat standard
3-15-46 Grade A pasteurized. Chappell. Milk lost by leakage
3-15-46 Grade A pasteurized. Chappell. Milk lost by leakage
3-15-46 Grade A pasteurized. Chappell. Milk lost by leakage

3-21-46 Grade A pasteurized. Chappell. Below legal butterfat
3-21-46 Grade A pasteurized. Chappell. Passed
3-27-46 Grade A pasteurized. Chappell. High bacteria
3-27-46 Grade A pasteurized. Chappell. High bacteria
3-27-46 Grade A pasteurized. Chappell. High bacteria
3-27-46 Grade A pasteurized. Chappell. High bacteria
4-10-46 Grade A pasteurized. Chappell. Unsatisfactory for chemical analysis
4-10-46 Grade A pasteurized. Chappell. Unsatisfactory for chemical analysis
4-10-46 Grade A pasteurized. Chappell. Unsatisfactory for chemical analysis
4-10-46 Grade A pasteurized. Chappell. Unsatisfactory for chemical analysis
4-23-46 Pasteurized, Grade A. Chappell. Passed
4-23-46 Pasteurized, Grade A. Chappell. Passed
4-23-46 Pasteurized, Grade A. Chappell. Passed
4-23-46 Pasteurized, Grade A. Chappell. Passed
5- 7-46 Pasteurized, Grade A. Chappell. Passed
5- 7-46 Pasteurized, Grade A. Chappell. High bacteria
5- 7-46 Pasteurized, Grade A. Chappell. High bacteria
5- 7-46 Pasteurized, Grade A. Chappell. High bacteria
5-14-46 Pasteurized, Grade A. Chappell. High bacteria
5-14-46 Pasteurized, Grade A. Chappell. High bacteria
5-14-46 Pasteurized, Grade A. Chappell. High bacteria
5-14-46 Pasteurized, Grade A. Chappell. High bacteria
6-12-46 Pasteurized. Chappell. Unfit for bacteriological examination; improperly iced
6-12-46 Pasteurized. Chappell. Unfit for bacteriological examination; improperly iced
6-12-46 Pasteurized. Chappell. Unfit for bacteriological examination; improperly iced
6-12-46 Pasteurized. Chappell. Unfit for bacteriological examination; improperly iced
6-18-46 Pasteurized. Chappell. Unfit for bacteriological examination; improperly iced
6-18-46 Pasteurized. Chappell. Unfit for bacteriological examination; improperly iced

6-18-46 Pasteurized. Chappell. Unfit for bacteriological examination; improperly iced
6-18-46 Pasteurized. Chappell. Unfit for bacteriological examination; improperly iced
7- 2-46 Pasteurized. Chappell. High bacteria
7- 2-46 Pasteurized. Chappell. High bacteria
7- 2-46 Pasteurized. Chappell. High bacteria
7- 2-46 Pasteurized. Chappell. High bacteria
7-16-46 Pasteurized. Chappell. Unfit for bacteriological examination; improperly iced
7-16-46 Pasteurized. Chappell. Unfit for bacteriological examination; improperly iced
7-16-46 Pasteurized. Chappell. Unfit for bacteriological examination; improperly iced
7-17-46 Pasteurized. Chappell. High bacteria
7-17-46 Pasteurized. Chappell. High bacteria
7-17-46 Pasteurized. Chappell. High bacteria
7-17-46 Pasteurized. Chappell. High bacteria
8- 7-46 Pasteurized. Chappell. High bacteria
8- 7-46 Pasteurized. Chappell. High bacteria
8- 7-46 Pasteurized. Chappell. High bacteria
8- 7-46 Pasteurized. Chappell. Passed
8- 7-46 Pasteurized. Chappell. Passed
8-20-46 Pasteurized, Grade A. Chappell. Passed
8-20-46 Pasteurized, Grade A. Chappell. Passed
8-20-46 Pasteurized, Grade A. Chappell. Passed
8-20-46 Pasteurized, Grade A. Chappell. Passed
10-10-46 Pasteurized. Chappell. High bacteria
10-10-46 Pasteurized. Chappell. High bacteria
10-10-46 Pasteurized. Chappell. High bacteria
10-10-46 Pasteurized. Chappell. High bacteria
10-10-46 Pasteurized. Chappell. High bacteria
10-10-46 Pasteurized. Chappell. High bacteria
2-26-46 Raw. Smith. Below legal butter fat
2-26-46 Raw. Smith. Passed
5- 5-46 Raw. Smith. Below butter fat
5- 5-46 Raw. Smith. Below butter fat
3-15-46 Raw. Smith. Not properly capped—milk lost
3-15-46 Raw. Smith. Not properly capped—milk lost

3-15-46 Raw. Smith and Smith. Passed
3-15-46 Raw. Smith and Smith. Passed
3-21-46 Raw. Smith. Passed
3-21-46 Raw. Smith. Low in butter fat
3-27-46 Raw. Smith. Low in butter fat
3-27-46 Raw. Smith. Low in butter fat
4-10-46 Raw. Smith. Passed as to plate count but unsatisfactory for chemical analysis
4-10-46 Raw. Smith. Passed as to plate count but unsatisfactory for chemical analysis
4-23-46 Raw. Smith. Low in butter fat
4-23-46 Raw. Smith. Low in butter fat
5- 7-46 Raw. Smith. Passed
5- 7-46 Raw. Smith. Passed
5-14-46 Raw. Smith. High bacteria
5-14-46 Raw. Smith. High bacteria
6-12-46 Raw. Smith. Unfit for bacteriological examination
6-12-46 Raw. Smith. Unfit for bacteriological examination
6-18-46 Raw. Smith. Insufficiently iced
6-18-46 Raw. Smith. Insufficiently iced
7- 2-46 Raw. Smith Dairy. Below legal butter fat
7- 2-46 Raw. Smith Dairy. Below legal butter fat
7-16-46 Raw. Smith Dairy. Passed
7-16-46 Raw. Smith Dairy. Hypochlorites present; added water; low butter fat
7-16-46 Raw. Smith Dairy. Hypochlorites present; added water; low butter fat
7-16-46 Raw. Smith. Below butter fat standard
7-16-46 Raw. Smith. Below butter fat standard
7-16-46 Raw. Smith. Below butter fat standard; improperly iced
7-17-46 Raw. Smith. Below legal butter fat; hypochlorites added
7-17-46 Raw. Smith. Below legal butter fat; hypochlorites added
8- 7-46 Raw. Smith Dairy. Below legal butter fat standard
8- 7-46 Raw. Smith Dairy. Below legal butter fat standard
8- 7-46 Raw. Smith Dairy. Below legal butter fat standard
8- 7-46 Raw. Smith Dairy. Below legal butter fat standard

8- 7-46 Raw. Smith Dairy. Below legal butter fat standard
8- 7-46 Raw. Smith Dairy. Below legal butter fat standard
10-10-46 Raw. Smith. Abnormally high butter fat
10-10-46 Raw. Smith. Abnormally high butter fat
10-10-46 Raw. Smith. Abnormally high butter fat
10-10-46 Raw. Smith. Abnormally high butter fat
10-10-46 Raw. Smith. Abnormally high butter fat
10-10-46 Raw. Smith. Abnormally high butter fat
2-26-46 Raw. Wheeler. Passed
2-26-46 Raw. Wheeler. Passed
3- 5-46 Raw. Jones. High bacteria
3- 5-46 Raw. Jones. High bacteria
3- 5-46 Raw. Howard. Passed
3- 5-46 Raw. Howard. Passed
3-21-46 Raw. Horton. Below legal butterfat standard
3-21-46 Pasteurized. Horton. Added water
4- 3-46 Raw. Beechwood Dairy. High bacteria; abnormally high butter fat
4- 3-46 Raw. Beechwood Dairy. High bacteria; abnormally high butter fat
4- 3-46 Raw. Beechwood Dairy. High bacteria; abnormally high butter fat
4- 3-46 Raw. Beechwood Dairy. High bacteria; abnormally high butter fat
4- 3-46 Raw. Beechwood Dairy. High bacteria; abnormally high butter fat
4- 3-46 Raw. Beechwood Dairy. High bacteria; abnormally high butter fat
4- 3-46 Raw. Beechwood Dairy. High bacteria; abnormally high butter fat
4- 3-46 Raw. Beechwood Dairy. High bacteria; abnormally high butter fat
6- 4-46 Raw. Beechwood Dairy. High bacteria; added water
6- 4-46 Raw. Beechwood Dairy. High bacteria; added water
6- 4-46 Raw. Beechwood Dairy. High bacteria; added water
6- 4-46 Raw. Beechwood Dairy. High bacteria; added water
6- 4-46 Raw. Beechwood Dairy. High bacteria; added water
6- 4-46 Raw. Beechwood Dairy. High bacteria; added water
6- 4-46 Raw. Beechwood Dairy. High bacteria; added water

6- 5-46 Raw. Beechwood Diary. High bacteria
6- 5-46 Raw. Beechwood Dairy. Added water
6- 5-46 Raw. Beechwood Dairy. High bacteria
6- 5-46 Raw. Beechwood Dairy. Added water
6- 5-46 Raw. Beechwood Dairy. High bacteria
6- 5-46 Raw. Beechwood Dairy. Added water
6- 5-46 Raw. Beechwood Dairy. Added water
6- 5-46 Raw. Beechwood Dairy. Passed
6- 5-46 Raw. Beechwood Dairy. Overgrown with B. aerogenes
6- 5-46 Raw. Beechwood Dairy. Added water
5- 7-46 Raw. Highland. Passed
5- 7-46 Raw. Highland. Passed
5- 7-46 Raw. Hill Crest. High bacteria
5- 7-46 Raw. Hill Crest. High bacteria
5- 7-46 Raw. King. High bacteria

Samples from producers supplying Jersey Dairy:

5-24-46 Raw milk to be pasteurized. J. Pendleton. Passed
5-24-46 Raw milk to be pasteurized. DeSuptin. Passed
5-24-46 Raw Milk to be pasteurized. F. Snodgrass. Passed
5-24-46 Raw Milk to be pasteurized. G. Yeary. Passed
5-24-46 Raw milk to be pasteurized. Gallahorn. Passed
5-24-46 Raw milk to be pasteurized. J. Lyttle. Passed
5-24-46 Raw milk to be pasteurized. J. Holmes. Passed
5-24-46 Raw milk to be pasteurized. D. Conley. Passed
5-24-46 Raw milk to be pasteurized. J. Suptin. Added water
5-24-46 Raw milk to be pasteurized. H. Yeary. Passed
5-24-46 Raw milk to be pasteurized. J. Mise. Passed
5-24-46 Raw milk to be pasteurized. J. Snodgrass. Passed
5-24-46 Raw milk to be pasteurized. J. A. Wolf. Passed
5-24-46 Raw milk to be pasteurized. E. Myers. Passed
5-24-46 Raw Milk to be pasteurized. Roberts Farm. Passed
5-24-46 Raw Milk to be pasteurized. Roberts Farm. Passed
5-24-46 Pasteurized. Beechwood. Added water
5-24-46 Pasteurized. Beechwood. Added water
1- 7-46 Grade A raw. Townsend Valley. High bacteria
3-28-46 Grade A raw. Townsend Valley. Unfit for bacteriological examination

5- 1-46 Grade A raw. Townsend Valley. Passed
8- 8-46 Grade A raw. Townsend Valley. Passed
12- 5-46 Grade A raw. Townsend Valley. Passed
1- 7-46 Raw milk. Wm. Penn. High bacteria
3-28-46 Raw milk. Wm. Penn. Unfit for bacteriological examination
5- 1-46 Raw milk. Wm. Penn. High bacteria
8- 8-46 Raw milk. Wm. Penn. High bacteria
1- 7-46 Pasteurized. Blue Grass. High bacteria
5- 1-46 Pasteurized. Blue Grass. Passed
5-22-46 Pasteurized. Blue Grass. Passed
8- 8-46 Pasteurized. Blue Grass. Passed
12- 5-46 Pasteurized. Blue Grass. Passed
7- 7-46 Grade A raw. Kings Grill. High bacteria
1- 7-46 Creamed Cottage Cheese. Kroger. Excess moisture
3-28-46 Cream. Mrs. Leah Kearns. Passed
3-28-46 Pasteurized. Lemonette. Underpasteurized
3-28-46 Past. coffee cream. Kroger. Below legal standard for butter fat
3-28-46 Pasteurized milk. Kroger. Unfit for bacteriological examination
5-22-46 Pasteurized milk. Kroger. Passed
8- 8-46 Pasteurized Milk. Kroger. Passed
12- 5-46 Pasteurized milk. Kroger. Passed
5- 1-46 Raw milk. Homer Miller. High bacteria
5-22-46 Raw milk. Hotel Harrison. High bacteria
12- 5-46 Raw milk. R. R. Ammerman. Passed
2-26-46 Pasteurized. Guyan Creamery. Below legal std. of butter fat
3-19-46 Pasteurized. Guyan Creamery. High bacteria
3-19-46 Pasteurized. Guyan Creamery. High bacteria; low fat
3-19-46 Pasteurized. Guyan Creamery. High bacteria
2-26-46 Raw. Walter Jackson. Passed
3-26-46 Raw. Walter Jackson. High bacteria
6-11-46 Raw. Walter Jackson. Passed
8- 6-46 Raw. Walter Jackson. High bacteria
9- 9-46 Raw. Walter Jackson. Passed
10-23-46 Raw. Walter Jackson. Passed

12- 4-46 Raw. Walter Jackson. Passed
2-26-46 Raw. Davis. Passed
6-11-46 Raw. Davis. Passed
10-23-46 Raw. Davis Dairy. High bacteria
12- 4-46 Raw. Davis. Passed
2-26-46 Raw. B. McCloud. Passed
3-26-46 Raw. B. McCloud. High bacteria
2-26-46 Raw. Green Salyers. Passed
2-26-46 Raw Milk. L. Conley. Passed
9- 9-46 Raw Milk. Tom W. Conley. High bacteria
10-23-46 Raw Milk. Tom W. Conley. High bacteria
12- 4-46 Raw Milk. Tom W. Conley Passed (added water)
2-26-46 Raw Milk. Big Sandy. Passed
3-19-46 Raw Milk. Big Sandy. Passed
3-19-46 Raw Milk. Big Sandy. Passed
3-19-46 Raw Milk. Big Sandy. Passed
6-11-46 Raw Milk. Big Sandy. Passed
8- 6-46 Raw Milk. Big Sandy. Passed
9- 9-46 Raw Milk. Big Sandy. High bacteria
10-23-46 Raw Milk. Big Sandy. Passed
12- 4-46 Raw Milk. Big Sandy. Passed
2-26-46 Raw Milk. Mrs. E. Robinson. Passed
3-26-46 Raw Milk. Mrs. E. Robinson. Added water, low in butter fat
8- 6-46 Raw Milk. Mrs. E. Robinson. Passed
9- 9-46 Raw Milk. Mrs. E. Robinson. Passed
10-23-46 Raw Milk. Mrs. E. Robinson. Passed
12- 4-46 Raw Milk. Mrs. E. Robinson. Passed
2-26-46 Raw Milk. Bill Robinson. Passed
2-26-46 Raw Milk. Rockview. High bacteria
3-19-46 Raw Milk. Rockview. Passed
3-19-46 Raw Milk. Rockview. Passed
3-19-46 Raw Milk. Rockview. Passed
8- 6-46 Raw Milk. Rockview. Passed
9- 9-46 Raw Milk. Rockview. Passed
10-23-46 Raw Milk. Rockview. Passed
12- 4-46 Raw Milk. Rockview. Passed
3-26-46 Raw Milk. Evert Arms. Passed
6-11-46 Raw Milk. Slick Melvin. High bacteria

8- 6-46 Raw Milk. Slick Melvin. Below legal standard for butter fat
6-11-46 Raw Milk. Melvin Dairy. High bacteria
8- 6-46 Raw Milk. K. C. Cudill. High bacteria
12- 4-46 Raw Milk. K. C. Cudill. Passed
10-23-46 Grade A Past. Guyan Creamery. Passed

KNOX COUNTY

8-26-46 Raw Milk. Minton Dairy. Passed
8-26-46 Pasteurized. Lynndale Dairy. Underpasteurized
10-15-46 Pasteurized. Lynndale Dairy. Added water
10-15-46 Pasteurized. Lynndale Dairy. Added water
10-15-46 Pasteurized. Lynndale Dairy. Added water
8-27-46 Raw Milk. R. L. Wood. High bacteria
8-27-46 Raw Milk. Jim Sevier. Added water
8-27-46 Raw Milk. Herbert Sevier. Passed
8-27-46 Raw Milk. Sam Harris. Passed
8-26-46 Raw Milk. Crit Farris. Passed
8-27-46 Raw Milk. B. W. Wilson. High bacteria
8-27-46 Raw Milk. James Givens. High bacteria, overgrown with B aerogenes
8-27-46 Raw Milk. D. C. Stansberry. Low in butter fat
8-27-46 Raw Milk. Elmer Jarvis. High bacteria
8-27-46 Raw Milk. Tip Moore. High bact. overgrown with B aerogenes
8-27-46 Raw Milk. Roxie Vaughan. Low in butter fat, added water
8-27-46 Raw Milk. Hugh Hopkins. High bacteria
8-27-46 Raw Milk. Chester Dewees. High bacteria
8-27-46 Raw Milk. Jarvey Hodge. Passed
8-27-46 Raw Milk. Y. M. C. A., Corbin, Ky. High bacteria
8-27-46 Raw Milk. D. Lawson. High bacteria, low in butter fat—watered
8-27-46 Raw Milk. Luther Warren. Low in butter fat
10-15-46 Raw Milk. Jim Severl. High bacteria
10-15-46 Raw Milk. R. S. Smith. Passed
10-15-46 Raw Milk. Elmer Brock. Passed
10-15-46 Raw Milk. Jarvey Hodge. Passed
10-15-46 Raw Milk. Frank Wells. High bacteria

10-15-46 Raw Milk. Floyd Wells. Passed
10-15-46 Raw Milk. Chester Deweese. Passed
10-15-46 Raw Milk. Roxie Vaughn. Passed
10-15-46 Raw Milk. Tip Moore. Passed
10-15-46 Raw Milk. Hugh Hopkins. Passed
10-15-46 Raw Milk. Robent Woods. High bacteria
10-15-46 Raw Milk. Luther Warren. Added water
10-15-46 Raw Milk. Dr. J. Lawson. High bacteria
10-15-46 Raw Milk. Crit Farris. High bacteria
10-15-46 Raw Milk. Sam Harris. Passed
10-15-46 Raw Milk. Herb Sevier. High bacteria
10-15-46 Raw Milk. James Gibbens. High bacteria.
10-15-46 Raw Milk. B. W. Wilson. Passed
10-15-46 Raw Milk. Elmer Jarvis. Passed
10-15-46 Raw Milk. E. P. Ohler. Passed
10-15-46 Raw Milk. Y. M. C. A. Passed

LAUREL COUNTY

8-26-46 Raw Milk. London Milk Co. High bacteria
9-17-46 Raw Milk. Eugene Thompson. Passed
10-15-46 Raw Milk. Eugene Thompson. Passed
9-17-46 Raw Milk. A. B. George. Passed
10-15-46 Raw Milk. A. B. George. Passed
9-17-46 Raw Milk. Walter Payne. Passed
10-15-46 Raw Milk. Walter Payne. High bacteria
9-17-46 Raw Milk. Bob Buttree. Passed
10-15-46 Raw Milk. Bob Buttree. Passed
9-17-46 Raw Milk. Boyd Boggs. Passed
10-15-46 Raw Milk. Boyd Boggs. High bacteria
10-15-46 Raw Milk. Boyd Boggs. Passed
10-15-46 Raw Milk. Walter Byble. Passed
10-15-46 Raw Mink. E. Blankenship. Passed
10-15-46 Raw Milk. C. McDaniel. Passed
10-15-46 Raw Milk. Chester Reed. Passed
10-15-46 Raw Milk. Clyde Black. Passed

LAWRENCE COUNTY

1-10-46 Raw Milk. Ruth Ross. Passed
1-10-46 Raw Milk. Ruth Ross. Passed

1-30-46 Raw Milk. Ruth Ross. Passed
1-30-46 Raw Milk. Ruth Ross. Passed
5- 7-46 Raw Milk. Ruth Ross. High bacteria
6-17-46 Raw Milk. Ruth Ross. Improperly iced—unsatisfactory for bacteriological examination
11-11-46 Raw Milk. Ruth Ross. High bacteria
11-11-46 Raw Milk. Ruth Ross. High bacteria
1- 8-46 Raw Milk. Wilson. High bacteria
1-30-46 Raw Milk. Wilson. Added water
2- 5-46 Raw Milk. Wilson. Added water
2-12-46 Raw Milk. Wilson. Added water
2-12-46 Raw Milk. Wilson (Vanhoose sample). Passed
2-12-46 Raw Milk. Wilson. Added water
1- 8-46 Raw Milk. Moore Farms. Passed
1-30-46 Raw Milk. Moore Farms. Passed
1-30-46 Raw Milk. Moore Farms. Passed
6-17-46 Raw Milk. Moore Farms. Improperly iced
11-11-46 Raw Milk. Moore Farms. Passed
1- 8-46 Raw Milk. Salyer Farm. Passed
1-30-46 Raw Milk. Salyer Farm. Passed
6-17-46 Raw Milk. Salyer Farm. Improperly iced
1-30-46 Raw Milk. Meeks Farm. Passed
5- 7-46 Raw Milk. Maddy. High bacteria
5- 7-46 Raw Milk. Maddy. High bacteria
5- 7-46 Raw Milk Grade A. Alley. Passed
6-17-46 Raw Milk Grade A. Alley. Improperly iced
5- 7-46 Raw Milk Grade A. Preston. High bacteria
11-11-46 Raw Milk. Preston. High bacteria
5- 7-46 Raw Milk. Raish Blankenship. Passed
6-17-46 Raw Milk. Houston. Improperly iced
11-11-46 Raw Milk. D. Rice Farm. High bacteria
11-11-46 Raw Milk. Rice. Passed

LINCOLN COUNTY

1-14-46 Raw Milk. Henry Baughman. Passed.
2-13-46 Raw Milk. Henry Baughman. Passed
2-13-46 Raw Milk. Henry Baughman. Passed
3-26-46 Raw Milk. Henry Baughman. Passed
3-26-46 Raw Milk. Henry Baughman. High bacteria

5- 7-46 Raw Milk. Henry Baughman. High bacteria.
5- 7-46 Raw Milk. Henry Baughman. High bacteria.
6-18-46 Raw Milk. Henry Baughman. High bacteria
6-18-46 Raw Milk. Henry Baughman. Passed
7-16-46 Raw Milk. Henry Baughman. High bacteria
7-16-46 Raw Milk. Henry Baughman. Passed
8-21-46 Raw Milk. Henry Baughman. High bacteria
8-21-46 Raw Milk. Henry Baughman. High bacteria
9-24-46 Raw Milk. Henry Baughman. High bacteria
9-24-46 Raw Milk. Henry Baughman. Passed
10-15-46 Raw Milk. Henry Baughman. Passed
10-15-46 Raw Milk. Henry Baughman. Passed
11-19-46 Raw Milk. Henry Banghman. Passed
11-19-46 Raw Milk. Henry Banghman. Passed
12-10-46 Raw Milk. Henry Baughman. Passed
1-14-46 Raw Milk. Ezra Brock. Passed
2-13-46 Raw Milk. Elsa Brock. Passed
2-13-46 Raw Milk. Elsa Brock. Passed
3-26-46 Raw Milk. Elsa Brock. Passed
3-26-46 Raw Milk. Elsa Brock. Passed
5- 7-46 Raw Milk. Elsa Brock. High bacteria
5- 7-46 Raw Milk. Elsa Brock. Passed
6-18-46 Raw Milk. Elsa Brock. High bacteria
6-18-46 Raw Milk. Elsa Brock. High bacteria
7-16-46 Raw Milk. Elsa Brock. High bacteria
7-16-46 Raw Milk. Elsa Brock. Passed
8-21-46 Raw Milk. Elsa Brock. High bacteria
8-21-46 Raw Milk. Elsa Brock. Passed
9-24-46 Raw Milk. Elsa Brock. High bacteria
9-24-46 Raw Milk. Elsa Brock. Passed
10-15-46 Raw Milk. Elsa Brock. Passed
10-15-46 Raw Milk. Elsa Brock. Passed
11-19-46 Raw Milk. Elsa Brock. Passed
11-19-46 Raw Milk. Elsa Brock. Passed
12-10-46 Raw Milk. Elsa Brock. High bacteria
1-14-46 Raw Milk. Adams and Parrish. High bacteria
2-19-46 Raw Milk. Atwood and Adams. Passed
4- 9-46 Raw Milk. Atwood and Adams. Passed
4- 9-46 Raw Milk. Atwood and Adams. High bacteria

7-16-46 Raw Milk. Atwood and Alams. Passed
7-16-46 Raw Milk. Atwood and Adams. High bacteria
10-22-46 Raw Milk. Atwood and Adams. High bacteria
10-22-46 Raw Milk. Atwood and Adams. Passed
12-10-46 Raw Milk. Atwood and Adams. High bacteria
2-13-46 Raw Milk. T. C. Ashley. Passed
2-19-46 Raw Milk. Silas Anderson. Passed
2-19-46 Raw Milk. Silas Anderson. Belaw legal fat std.
2-19-46 Raw Milk. Silas Anderson. Abnormally high fat content
2-13-46 Raw Milk. Denny Cullop. Passed
2-13-46 Raw Milk. Denny Cullop. Passed
3-26-46 Raw Milk. Denny Cullop. High bacteria
3-26-46 Raw Milk. Denny Cullop. Passed
5- 7-46 Raw Milk. Denny Cullop. High bacteria
5- 7-46 Raw Milk. Denny Cullop. High bacteria
6-18-46 Raw Milk. Denny Cullop. High bacteria
6-18-46 Raw Milk. Denny Cullop. Passed
8-21-46 Raw Milk. Denny Cullop. High bacteria
8-21-46 Raw Milk. Denny Cullop. Passed
9-24-46 Raw Milk. Denny Cullop. High bacteria
9-24-46 Raw Milk. Denny Cullop. High bacteria
10-15-46 Raw Milk. Denny Cullop. Passed
10-15-46 Raw Milk. Denny Cullop. Passed
1-14-46 Raw Milk. Henry Miracle. Passed
2-13-46 Raw Milk. Henry Miracle. Passed
2-13-46 Raw Milk. Henry Miracle. Passed
3-26-46 Raw Milk. Henry Miracle. High bacteria
3-26-46 Raw Milk. Henry Miracle. High bacteria
5- 7-46 Raw Milk. Henry Miracle. Passed
5- 7-46 Raw Milk. Henry Miracle. Passed
6-18-46 Raw Milk. Henry Miracle. Passed
6-18-46 Raw Milk. Henry Miracle. High bacteria
7-16-46 Raw Milk. Henry Miracle. Passed
7-16-46 Raw Milk. Henry Miracle. Passed
8-21-46 Raw Milk. Henry Miracle. Passed
8-21-46 Raw Milk. Henry Miracle. Passed
9-24-46 Raw Milk. Henry Miracle. Passed
9-24-46 Raw Milk. Henry Miracle. Passed

10-15-46 Raw Milk. Henry Miracle. Passed
10-15-46 Raw Milk. Henry Miracle. Passed
11-19-46 Raw Milk. Henry Miracle. Passed
11-19-46 Raw Milk. Henry Miracle. Passed
12-10-46 Raw Milk. Henry Miracle. Passed
1-14-46 Raw Milk. O. C. Buchanan. Not a fair sample of milk
2-19-46 Raw Milk. O. C. Buchanan. High bacteria
2-19-46 Raw Milk. O. C. Buchanan. High bacteria
4- 9-46 Raw Milk. O. C. Buchanan. High basteria
4- 9-46 Raw Milk. O. C. Buchanan. High basteria
5-27-46 Raw Milk. O. C. Buchanan. High bacteria
5-27-46 Raw Milk. O. C. Buchanan. High bacteria
7-16-46 Raw Milk. O. C. Buchanan. Passed
7-16-46 Raw Milk. O. C. Buchanan. Passed
8-21-46 Raw Milk. O. C. Buchanan. Passed
8-21-46 Raw Milk. O. C. Buchanan. Passed
10-22-46 Raw Milk. O. C. Buchanan. High bacteria
10-22-46 Raw Milk. O. C. Buchanan. Passed
12-10-46 Raw Milk. O. C. Buchanan. High bacteria
1-14-46 Raw Milk. Dunns Dairy. Passed
2-19-46 Raw Milk. Dunns Dairy. Passed
2-19-46 Raw Milk. Dunns Dairy. Passed
4- 9-46 Raw Milk. Dunns Dairy. Passed
4- 9-46 Raw Milk. Dunns Dairy. Passed
5-27-46 Raw Milk. Dunns Dairy. Passed
5-27-46 Raw Milk. Dunns Dairy. Passed
7-16-46 Raw Milk. Dunns Dairy. Passed
7-16-46 Raw Milk. Dunns Dairy. Passed
8-21-46 Raw Milk. Dunns Dairy. Passed
8-21-46 Raw Milk. Dunns Dairy. Passed
1-14-46 Raw Milk. Woods Gover. Passed
2-13-46 Raw Milk. Woods Gover. High bacteria
2-13-46 Raw Milk. Woods Gover. Passed
3-26-46 Raw Milk. Woods Gover. High bacteria
3-26-46 Raw Milk. Woods Gover. High bacteria
5- 7-46 Raw Milk. Woods Gover. Passed
5- 7-46 Raw Milk. Woods Gover. Passed
6-18-46 Raw Milk. Woods Gover. High bacteria

6-18-46 Raw Milk. Woods Gover. High bacteria
7-16-46 Raw Milk. Woods Gover. Passed
7-16-46 Raw Milk. Woods Gover. High bacteria
8-21-46 Raw Milk. Woods Gover. Passed
8-21-46 Raw Milk. Woods Gover. Passed
9-24-46 Raw Milk. Woods Gover. High bacteria
9-24-46 Raw Milk. Woods Gover. High bacteria
10-15-46 Raw Milk. Woods Gover. Passed
10-15-46 Raw Milk. Woods Gover. Passed
11-19-46 Raw Milk. Woods Gover. High bacteria
11-19-46 Raw Milk. Woods Gover. High bacteria
12-10-46 Raw Milk. Woods Gover. High bacteria
1-14-46 Raw Milk. Morgan and Ball. Passed
3-26-46 Raw Milk. Morgan and Robbins. High bacteria
11-19-46 Raw Milk. Morgan and Ball. High bacteria
11-19-46 Raw Milk. Morgan and Ball. Passed
12-10-46 Raw Milk. Morgan and Ball. High bacteria
1-14-46 Raw Milk. R. M. Powell. Passed
2-19-46 Raw Milk. R. M. Powell. Passed
2-19-46 Raw Milk. R. M. Powell. Passed
5-27-46 Raw Milk. R. M. Powell. Passed
5-27-46 Raw Milk. R. M. Powell. High bacteria
7-16-46 Raw Milk. R. M. Powell. Passed
7-16-46 Raw Milk. R. M. Powell. Passed
8-21-46 Raw Milk. R. M. Powell. Passed
8-21-46 Raw Milk. R. M. Powell. Passed
10-22-46 Raw Milk. R. M. Powell. Passed
10-22-46 Raw Milk. R. M. Powell. Passed
12-10-46 Raw Milk. R. M. Powell. Passed
1-14-46 Pasteurized. Sanders. High bacteria
2-13-46 Pasteurized. Sanders. Grossly underpasteurized
2-13-46 Pasteurized. Sanders. Grossly underpasteurized
2-19-46 Pasteurized. Sanders. Passed
2-19-46 Pasteurized. Sanders. Underpasteurized
3-26-46 Pasteurized. Sanders. High bacteria
3-26-46 Pasteurized. Sanders. High bacteria
5- 7-46 Pasteurized. Sanders. High bacteria
5- 7-46 Pasteurized. Sanders. High bacteria
6-18-46 Pasteurized. Sanders. High bacteria

6-18-46 Pasteurized. Sanders. High bacteria
7-16-46 Pasteurized. Sanders. High bacteria
7-16-46 Pasteurized. Sanders. High bacteria
8-21-46 Pasteurized. Sanders. High bacteria
8-21-46 Pasteurized. Sanders. High bacteria
9-24-46 Pasteurized. Sanders. High bacteria
9-24-46 Pasteurized. Sanders. High bacteria
10-15-46 Pasteurized. Sanders. High bacteria
10-15-46 Pasteurized. Sanders. Passed
11-19-46 Pasteurized. Sanders. Passed
11-19-46 Pasteurized. Sanders. Passed
12-10-46 Pasteurized. Sanders. High bacteria
9-24-46 Raw Milk. Howard Reid. High bacteria
1-14-46 Raw Milk. Howard Reid. Passed
10-15-46 Raw Milk. Howard Reid. Passed
10-15-46 Raw Milk. Howard Reid. Passed
11-19-46 Raw Milk. Howard Reid. Passed
11-19-46 Raw Milk. Howard Reid. Passed
12-10-46 Raw Milk. Howard Reid. Passed
9-24-46 Raw Milk. Howard Reid. High bacteria
1-14-46 Raw Milk. Owen Reid. Passed
10-15-46 Raw Milk. Owen Reid. High bacteria
10-15-46 Raw Milk. Owen Reid. Passed
11-19-46 Raw Milk. Owen Reid. High bacteria
12-10-46 Raw Milk. Owen Reid. Added water
1-14-46 Pasteurized. Pine Crest. Underpasteurized
4- 9-46 Pasteurized. Pine Crest. Underpasteurized
4- 9-46 Pasteurized. Pine Crest. Underpasteurized
5-27-46 Pasteurized. Pine Crest. High bacteria
5-27-46 Pasteurized. Pine Crest. High bacteria
8-21-46 Pasteurized. Pine Crest. Passed
8-21-46 Pasteurized. Pine Crest. Passed
2-13-46 Raw Milk. Kennedy. High bacteria
2-13-46 Raw Milk. Kennedy. Passed
3-26-46 Raw Milk. Kennedy. High bacteria
3-26-46 Raw Milk. Kennedy. Passed
5- 7-46 Raw Milk. Kennedy. High bacteria
5- 7-46 Raw Milk. Kennedy. High bacteria
6-18-46 Raw Milk. Kennedy. Passed

6-18-46 Raw Milk. Kennedy. Passed
7-16-46 Raw Milk. Kennedy. Passed
7-16-46 Raw Milk. Kennedy. Passed
8-21-46 Raw Milk. Kennedy. High bacteria
8-21-46 Raw Milk. Kennedy. High bacteria
9-24-46 Raw Milk. Robinson & Kennedy. High bacteria; added water
9-24-46 Raw Milk. Robinson & Kennedy. High bacteria
10-15-46 Raw Milk. Robinson & Kennedy. High bacteria
10-15-46 Raw Milk. Robinson & Kennedy. Passed
11-19-46 Raw Milk. Robinson & Kennedy. Passed
11-19-46 Raw Milk. Robinson & Kennedy. Passed
1-14-46 Raw Milk. Dan Traylor. Passed
5- 7-46 Raw Milk. Dan Traylor. Passed
5- 7-46 Raw Milk. Dan Traylor. Passed
10-22-46 Raw Milk. Dan Traylor. Passed
10-22-46 Raw Milk. Dan Traylor. Passed
1-14-46 Raw Milk. Ebb Robinson. High bacteria
2-19-46 Ra wMilk. Grubbs. Passed
2-19-46 Raw Milk. Brown. Passed
4- 9-46 Raw Milk. R. M. Powell. Passed
4- 9-46 Raw Milk. R. M. Powell. Passed
4- 9-46 Raw Milk. Eddie Wade. Passed
10-22-46 Raw Milk. Eddie Wade. High bacteria
12-10-46 Raw Milk. Eddie Wade. Passed
5- 7-46 Raw Milk. Griffin and Moses. Passed
5- 7-46 Raw Milk. Griffin and Moses. Passed
6-18-46 Raw Milk. Griffin and Moses. High bacteria
6-18-46 Raw Milk. Griffin and Moses. High bacteria
10-22-46 Raw Milk. Griffin and Moses. High bacteria
10-22-46 Raw Milk. Griffin and Moses. High bacteria
5- 7-46 Raw Milk. Bailey and Nichols. High bacteria; low in butter fat
5- 7-46 Raw Milk. Bailey and Nichols. Passed
6-18-46 Raw Milk. Bailey and Nichols. Passed
5-27-46 Raw Milk. Eugene Good. Passed
5-27-46 Raw Milk. Eugene Good. Passed
5-27-46 Raw Milk. Geo. Dishon. High bacteria
9-24-46 Raw Milk. Lee Banks. Passed
9-24-46 Raw Milk. Lee Banks. High bacteria

9-24-46 Raw Milk. D. E. Chadwell. High bacteria
9-24-46 Raw Milk. D. E. Chadwell. High bacteria
12- 9-46 Past. Grade A. Golden Guernsey. Marsh. Passed
12- 9-46 Past. Grade A. Marsh. Passed
12- 9-46 Past. ungraded. Marsh. Passed
12-11-46 Raw. Home Ice and Dairy. High bacteria
12-10-46 Raw—ungraded. Caleb Todd. Passed
12-10-46 Raw—Grade A. E. C. Wynn. Passed
12-10-46 Raw—Grade A. Mack Ambrose. High bacteria
12-10-46 Past. Grade A. Berea College Creamery. Passed
12-10-46 Raw—Grade A. Berea College Dairy. Passed
12-10-46 Ungraded. Harry Simpson. High bacteria
12-10-46 Ungraded. Elmo Simpson. Passed
12-10-46 Ungraded. Wm. Simpson. Passed

MADISON COUNTY

1-29-46 Grade A Past. Berea College Past. Plant. Passed; low butter fat
3- 5-46 Grade A Past. Berea College Past. Plant. Passed
4- 2-46 Grade A Past. Berea College Past. Plant. Passed
5-21-46 Grade A Past. Berea College Past. Plant. Passed
6-25-46 Grade A Past. Berea College Past. Plant. Passed
7-30-46 Grade A Past. Berea College Past. Plant. Passed
8-28-46 Grade A Past. Berea College Past. Plant. Passed
9-18-46 Grade A Past. Berea College Past. Plant. Passed
10-29-46 Grade A Past. Berea College Past. Plant. Passed
1-29-46 Grade A. Berea College Dairy. Passed
3- 5-46 Grade A. Berea College Dairy. Passed
4- 2-46 Grade A. Berea College Dairy. High bacteria
5-21-46 Grade A. Berea College Dairy. High bacteria
7-30-46 Grade A. Berea College Dairy. High bacteria
8-28-46 Grade A. Berea College Dairy. Passed
9-18-46 Grade A. Berea College Dairy. Passed
10-29-46 Grade A. Berea College Dairy. Passed
1-29-46 Grade A. Moore and Ross. High bacteria
4- 2-46 Grade A. Moore and Ross. High bacteria
6-25-46 Grade A. Moore and Ross. Passed
9-18-46 Grade A. Moore and Ross. High bacteria
10-29-46 Grade A. Moore and Ross. High bacteria

1-29-46 For Past. Grade A. E. C. Wynn. Passed
3- 5-46 For Past. Grade A. E. C. Wynn. Passed
4- 2-46 For Past. Grade A. E. C. Wynn. Passed
5-21-46 For Past. Grade A. E. C. Wynn. High bacteria
7-30-46 For Past. Grade A. E. C. Wynn. High bacteria
8-28-46 For Past. Grade A. E. C. Wynn. Passed
10- 8-46 For Past. Grade A. E. C. Wynn. High bacteria
10-29-46 For Past. Grade A. E. C. Wynn. Passed
1-29-46 Grade A. J. W. McKinney. High bacteria
3- 5-46 Grade A. J. W. McKinney. High bacteria
4- 2-46 Grade A. J. W. McKinney. High bacteria
5-21-46 Grade A. J. W. McKinney. High bacteria
6-25-46 Grade A. J. W. McKinney. High bacteria
7-30-46 Grade A. J. W. McKinney. High bacteria and low butter fat
8-28-46 Grade A. J. W. McKinney. High bacteria
9-18-46 Grade A. J. W. McKinney. Passed
10-29-46 Grade A. J. W. McKinney. High bacteria
1-29-46 Grade A. Tom Fox, Jr. Passed
3- 5-46 Grade A. Tom Fox, Jr. Passed
4- 2-46 Grade A. Tom Fox, Jr. Passed
5-21-46 Grade A. Tom Fox, Jr. Passed
7-30-46 Grade A. Tom Fox, Jr. Passed
8-27-46 Grade A. Tom Fox, Jr. Passed
9-18-46 Grade A. Tom Fox, Jr. Passed
10- 8-46 Grade A. Tom Fox, Jr. Passed
10-29-46 Grade A. Tom Fox, Jr. Passed
2-12-46 Grade A Past. New Stateland Passed
3-19-46 Grade A Past. New Stateland. Passed
4-17-46 Grade A Past. New Stateland. Passed
5-28-46 Grade A Past. New Stateland. Passed
6-11-46 Grade A Past. New Stateland. High bacteria and low in butter fat
7-31-46 Grade A Past. New Stateland. Low butter fat
8-27-46 Grade A Past. New Stateland. Low butter fat
9-17-46 Grade A Past. New Stateland. Passed
10-29-46 Grade A Past. New Stateland. Passed
11-13-46 Grade A Past. New Stateland. Passed
2-12-46 Grade A. New Stateland. High bacteria; low butter fat

3-19-46 Grade A. New Stateland. Low butter fat
4-17-46 Grade A. New Stateland. High bacteria
5-28-46 Grade A. New Stateland. High bacteria
6-11-46 Grade A. New Stateland. Passed
7-31-46 Grade A. New Stateland. High bacteria and low butter fat
9-17-46 Grade A. New Stateland. Low butter fat
10-29-46 Grade A. New Stateland. Passed
11-13-46 Grade A. New Stateland. High bacteria
2-12-46 Grade A. Ingleside. Passed
3-19-46 Grade A. Ingleside. High bacteria
5-21-46 Grade A. Ingleside. High bacteria
6-11-46 Grade A. Inglesdie. Passed
7-31-46 Grade A. Ingleside. High bacteria
8-27-46 Grade A. Ingleside. High bacteria
9-17-46 Grade A. Ingleside. High bacteria
11-13-46 Grade A. Ingleside. High bacteria
2-12-46 Grade A. Chambers & Crutchers. Passed
3-19-46 Grade A. Chambers & Crutchers. Passed
4-17-46 Grade A. Chambers & Crutchers. Passed
5-21-46 Grade A. Chambers & Crutchers. Passed
7-30-46 Grade A. Chambers & Crutchers. Passed
8-28-46 Grade A. Chambers & Crutchers. Passed
9-18-46 Grade A. Chambers & Crutchers. Passed
10-29-46 Grade A. Chambers & Crutchers. Passed
2-12-46 Grade A. Kit Parks. Added water
3- 5-46 Grade A. Kit Parks. High bacteria
3-19-46 Grade A. Kit Parks. High bacteria
4- 2-46 Grade A. Kit Parks. High bacteria
8- 6-46 Ungraded. Kit Parks. Passed
2-12-46 Grade A. Geo. DeJarnett. Passed
3- 5-46 Grade A. Geo. DeJarnett. Passed
4-17-46 Grade A. Geo. DeJarnett. High bacteria
5-21-46 Grade A. Geo. DeJarnett. High bacteria
6-25-46 Grade A. Geo. DeJarnett. High bacteria
7-21-46 Grade A. Geo. DeJarnett. Passed
8-27-46 Grade A. Geo. DeJarnett. Passed
9-17-46 Grade A. Geo. DeJarnett. High bacteria
2-12-46 Raw. Jerry Chambers. Passed
3- 5-46 Raw. Jerry Chambers. High bacteria

4- 2-46 Raw. Jerry Chambers. Passed
5-28-46 Raw. Jerry Chambers. Overgrown—B. aerogenes
6-25-46 Raw. Jerry Chambers. Passed
7-31-46 Raw. Jerry Chambers. Passed
8-27-46 Grade A. Jerry Chambers. Passed
9-17-46 Grade A. Jerry Chambers. Passed
2-12-46 Grade A. E. T. Hays. High bacteria
3-19-46 Grade A. E. T. Hays. Passed
4-17-46 Grade A. E. T. Hays. High bacteria
5-28-46 Grade A. E. T. Hays. High bacteria
6-11-46 Grade A. E. T. Hays. Not a representative sample
7-31-46 Grade A. E. T. Hays. High bacteria
8-27-46 Grade A. E. T. Hays. High bacteria
9-17-46 Grade A. E. T. Hays. Passed
10-29-46 Grade A. E. T. Hays. High bacteria
3- 5-46 Raw Milk. Mrs. Frank Greene. Passed
7-22-46 Ungraded. J. C. Parks. Passed
7-23-46 Ungraded. J. C. Parks. Passed
8- 5-46 Ungraded. J. C. Parks. Passed
7-30-46 Grade A. Mark Ambrose. Passed
8-27-46 Grade A. Mark Ambrose. Passed
9-18-46 Grade A. Mark Ambrose. Passed
10- 8-46 Grade A. Mark Ambrose. High bacteria
10-29-46 Grade A. Mark Ambrose. Passed
8-28-46 Grade A. Caleb Todd. Passed
9-18-46 Grade A. Caleb Todd. Passed
10- 8-46 Grade A. Caleb Todd. High bacteria
10-29-46 Grade A. Caleb Todd. Passed
9-18-46 Grade A. E. C. Wynn. High bacteria
10- 8-46 Grade A. Elmo Simpson. High bacteria
10-29-46 Grade A. Elmo Simpson. High bacteria
12- 2-46 Ungraded. Elmo Simpson. Passed
12- 3-46 Ungraded. Elmo Simpson. Passed
12- 4-46 Ungraded. Elmo Simpson. Passed
10-29-46 Grade A. Harry Simpson. High bacteria
12- 2-46 Ungraded. Harry Simpson. High bacteria
12- 3-46 Ungraded. Harry Simpson. Passed
12- 4-46 Ungraded. Harry Simpson. Passed
10-29-46 Ice Cream. Ky. Ice Cream Co. Low in butter fat and artificially colored

11-13-46 Ice Cream. Ky. Ice Cream Co. Low in butter fat and artificially colored
11-25-46 Past. ungraded. Ky. Ice Cream Co. Passed
12- 2-46 Past. Grade A. Ky. Ice Cream Co. Passed
12- 3-46 Past. Grade A. Ky. Ice Cream Co. Passed
12- 4-46 Pasteurized. Ky. Ice Cream Co. Passed
11-25-46 Ungraded. Wash Combs. High bacteria
12- 2-46 Ungraded. Wash Combs. High bacteria
12- 4-46 Ungraded. Wash Combs. Passed
11-25-46 Ungraded. C. E. Elkin. High bacteria
12- 2-46 Ungraded. C. E. Elkin. High bacteria
12- 2-46 Ungraded. C. E. Elkin. Passed
12- 4-46 Ungraded. C. E. Elkin. Passed
11-25-46 Ungraded. L. H. Wilder. High bacteria
12- 2-46 Ungraded. L. H. Wilder. Passed
12- 3-46 Ungraded. L. H. Wilder. Passed
12- 4-46 Ungraded. L. H. Wilder. Passed
11-25-46 Ungraded. C. C. Hoskins. Passed
12- 2-46 Ungraded. C. C. Hoskins. Passed
12- 3-46 Ungraded. C. C. Hoskins. Passed
12- 4-46 Ungraded. C. C. Hoskins. Passed
11-25-46 Ungraded. Bill Simpson. High bacteria
12- 2-46 Ungraded. Bill Simpson. High bacteria
12- 3-46 Ungraded. Bill Simpson. High bacteria
12- 4-46 Ungraded. Bill Simpson. High bacteria
11-25-46 Ungraded. Dan Botkin. High bacteria
12- 2-46 Ungraded. Dan Botkin. Passed
12- 3-46 Ungraded. Dan Botkin. Passed
12- 4-46 Ungraded. Dan Botkin. Passed
11-25-46 Ungraded. John Kidd. High bacteria
12- 2-46 Ungraded. John Kidd. Passed
12- 3-46 Ungraded. John Kidd. Passed
12- 4-46 Ungraded. John Kidd. Passed
11-25-46 Ungraded. Chas. Williams. Passed
12- 2-46 Ungraded. Chas. Williams. Passed
12- 3-46 Ungraded. Chas. Williams. Passed
12- 4-46 Ungraded. Chas. Williams. Passed
11-25-46 Ungraded. Emmett Williams. Passed
12- 3-46 Ungraded. Everett Williams. Passed
12- 4-46 Ungraded. Everett Williams. Passed

11-25-46 Ungraded. McCrod Deatherage. High bacteria
12- 4-46 Ungraded. McCrod Deatherage. Passed
11-25-46 Ungraded. B. W. Guinn. Passed
12- 2-46 Ungraded. B. W. Guinn. Passed
12- 3-46 Ungraded. B. W. Guinn. Passed
12- 4-46 Ungraded. B. W. Guinn. Passed

MAGOFFIN COUNTY

2-26-46 Raw Milk. C. Cooper. Passed
3-26-46 Raw Milk. C. Cooper. Passed
6-11-46 Raw Milk. C. Cooper. High bacteria and low in butter fat
9- 9-46 Raw Milk. C. Cooper. High bacteria
10-23-46 Raw Milk. C. Cooper. High bacteria
12- 4-46 Raw Milk. C. Cooper. Passed
2-26-46 Raw Milk. F. C. Lacy. Passed
3-26-46 Raw Milk. F. C. Lacy. High bacteria
6-11-46 Raw Milk. F. C. Lacy. High bacteria
9- 9-46 Raw Milk. F. C. Lacy. Passed
10-23-46 Raw Milk. F. C. Lacy. Passed
12- 4-46 Raw Milk. F. C. Lacy. Passed
2-26-46 Raw Milk. May. Passed
3-26-46 Raw Milk. May. Passed
6-11-46 Raw Milk. May. High bacteria
9- 9-46 Raw Milk. May. High bacteria
10-23-46 Raw Milk. May. Passed
12- 4-46 Raw Milk. May. Passed
2-26-46 Raw Milk. A. Vanderpool. Passed
3-26-46 Raw Milk. A. Vanderpool. Passed
3-26-46 Raw Milk. Adam Carpenter. Passed
3-26-46 Raw Milk. J. H. Patrick. Passed
6-11-46 Raw Milk. J. H. Patrick. Passed
9- 9-46 Raw Milk. J. H. Patrick. Passed
10-23-46 Raw Milk. J. H. Patrick. Passed
3-26-46 Raw Milk. Sherman Hackworth. High bacteria
6-11-46 Raw Milk. Sherman Hackworth. High bacteria
9- 9-46 Raw Milk. Sherman Hackworth. High bacteria
10-23-46 Raw Milk. Sherman Hackworth. Passed
12- 4-46 Raw Milk. Sherman Hackworth. High bacteria

6-11-46 Raw Milk. Prichard King. High bacteria
10-23-46 Raw Milk. Prichard King. High bacteria
10-23-46 Raw Milk. B. T. Patrick. Passed
12- 4-46 Raw Milk. B. T. Patrick. Passed
12- 4-46 Raw Milk. Wiley Gipson. Passed

MASON COUNTY

2- 6-46 Raw Milk. Key Dairy. Passed
3-20-46 Raw Milk. Key Dairy. High bacteria
6-12-46 Raw Milk. Key Dairy. High bacteria
9-11-46 Raw Milk. Key Dairy. High bacteria
10-30-46 Raw Milk. Key Dairy. Passed
2- 6-46 Bottled. Key Model. Passed
7-24-46 Can. Key Dairy. High bacteria
11-20-46 Can. Key Dairy. Passed
2- 6-46 Past. Grade A. Key Model. Passed
3-20-46 Past. Grade A. Key Model. High bacteria
4-17-46 Past. Grade A. Key Model. Passed
5-29-46 Past. Grade A. Key Model. Passed
6-12-46 Past. Grade A. Key Model. Passed
7-24-46 Past. Grade A. Key Model standardized. Passed
8-28-46 Past. Grade A. Key Model standardized. Passed
8-28-46 Past. Grade A. Key Model. Passed
9-11-46 Past. Grade A. Key Model. Passed
9-11-46 Past. Grade A. Key Model standardized. Passed
10-30-46 Past. Key Model standardized. High bacteria
10-30-46 Past. Grade A. Key Model. Passed
11-20-46 Past. Grade A. Key Model. High bacteria
11-20-46 Past. Grade A. Key Model standardized. Passed
2- 6-46 Past. Grade A Cream. Key Model. Passed
3-20-46 Past. Grade A Cream. Key Model. High bacteria
4-17-46 Past. Grade A Cream. Key Model. Passed
5-29-46 Past. Grade A Cream. Key Model. Passed
6-12-46 Past. Grade A Cream. Key Model. Passed
7-24-46 Past. Grade A Cream. Key Model. Passed
8-28-46 Past. Grade A Cream. Key Model. Passed
9-11-46 Past. Grade A Cream. Key Model. Passed
10-30-46 Past. Grade A Cream. Key Model. Passed
11-20-46 Past. Grade A Cream. Key Model. High bacteria

2- 6-46 Past. Grade A Baby Milk. Key Model. Passed
3-20-46 Past. Grade A Baby Milk. Key Model. Passed
4-17-46 Past. Grade A Baby Milk. Key Model. Passed
5-29-46 Past. Grade A Baby Milk. Key Model. Passed
7-24-46 Pasteurized. Key Model. Passed
3-20-46 Buttermilk. Key Model. Passed
3-20-46 Buttermilk, Golden Flake. Key Model. Passed
4-17-46 Buttermilk. Key Model. Passed
4-17-46 Buttermilk, Golden Flake. Key Model. Passed
5-29-46 Buttermilk. Key Model. Passed
5-29-46 Buttermilk, Golden Flake. Key Model. Passed
6-12-46 Buttermilk. Key Model. Passed
6-12-46 Buttermilk, Golden Flake. Key Model. Passed
7-24-46 Buttermilk. Key Model. Passed
7-24-46 Buttermilk, Golden Flake. Key Model. Passed
8-28-46 Buttermilk. Key Model. Passed
8-28-46 Buttermilk, Golden Flake. Key Model. Passed
9-11-46 Buttermilk. Key Model. Passed
9-11-46 Buttermilk, Golden Flake. Key Model. Passed
10-30-46 Buttermilk. Key Model. Passed
10-30-46 Buttermilk, Golden Flake. Key Model. Passed
11-20-46 Buttermilk. Key Model. Passed
11-20-46 Buttermilk, Golden Flake. Key Model. Passed.
2- 6-46 Raw Milk. Thompson & Browning. High bacteria
3-20-46 Raw Milk. Thompson & Browning. Passed
4-17-46 Raw Milk. Thompson & Browning. Passed
5-29-46 Raw Milk. Thompson & Browning. Passed
6-12-46 Raw Milk. Thompson & Browning. Passed
7-24-46 Raw Milk. Thompson & Browning. Passed
9-11-46 Raw Milk. Thompson & Browning. Passed
10-30-46 Raw Milk. Thompson & Browning. Passed
2- 6-46 Raw Milk. Tully and Browning. High bacteria
3-20-46 Raw Milk. Tully and Browning. High bacteria
4-17-46 Raw Milk. Tully and Browning. High bacteria
5-29-46 Raw Milk. Tully and Browning. High bacteria
6-12-46 Raw Milk. Tully and Browning. High bacteria
7-24-46 Raw Milk. Tully and Browning. High bacteria
9-11-46 Raw Milk. Tully and Browning. Passed
10-30-46 Raw Milk. Tully and Browning. High bacteria
11-20-46 Raw Milk. Tully and Browning. Passed

2- 6-46 Raw Milk. Fitch & Browning. High bacteria
3-20-46 Raw Milk. Fitch & Browning. Passed
4-17-46 Raw Milk. Fitch & Browning. Passed
5-29-46 Raw Milk. Fitch & Browning. Passed
6-12-46 Raw Milk. Fitch & Browning. High bacteria
7-25-46 Raw Milk. Fitch & Browning. High bacteria
9-11-46 Raw Milk. Fitch & Browning. High bacteria
10-30-46 Raw Milk. Fitch & Browning. Passed
11-20-46 Raw Milk. Fitch & Browning. Passed
2- 6-46 Raw Milk. Humphries and Browning. Passed
3-20-46 Raw Milk. Humphries and Browning. Passed
4-17-46 Raw Milk. Humphries and Browning. Passed
5-29-46 Raw Milk. Humphries and Browning. Passed
6-12-46 Raw Milk. Humphries and Browning. High bacteria
7-24-46 Raw Milk. Humphries and Browning. Passed
9-11-46 Raw Milk. Humphries and Browning. High bacteria
10-30 46 Raw Milk. Humphries and Browning. Passed
11-20-46 Raw Milk. Humphries and Browning. Passed
2- 6-46 Raw Milk. Royse and Browning. High bacteria
3-20-46 Raw Milk. Royse and Browning. Passed
4-17-46 Raw Milk. Royse and Browning. Passed
5-29-46 Raw Milk. Royse and Browning. Passed
6-12-46 Raw Milk. Royse and Browning. Passed
7-24-46 Raw Milk. Royse and Browning. High bacteria
9-11-46 Raw Milk. Royse and Browning. Passed
10-30-46 Raw Milk. Royse and Browning. Passed
11-20-46 Raw Milk. Royse and Browning. Passed
2- 6-46 Cream. Peach Orchard. Passed
3-20-46 Cream, Grade A. Peach Orchard. Passed
4-17-46 Cream, Grade A. Peach Orchard. Passed
5-29-46 Cream, Grade A. Peach Orchard. Passed
6-12-46 Cream, Grade A. Peach Orchard. Passed
7-24-46 Cream, Grade A. Peach Orchard. Passed
2- 6-46 Grade A Milk. Peach Orchard. Passed
3-20-46 Grade A Milk. Peach Orchard. Below legal standard in butter fat
4-17-46 Grade A Milk. Peach Orchard. Below legal standard in butter fat

5-29-46	Grade A Milk. Peach Orchard. Below legal standard in butter fat
6-12-46	Grade A Milk. Peach Orchard. Below legal standard in butter fat
7-24-46	Grade A Milk. Peach Orchard. Passed
8-28-46	Grade A Milk. Peach Orchard. Below legal standard in butter fat
2- 6-46	Raw Milk. Allison. Passed
3-20-46	Raw Milk. Allison. Passed
4-17-46	Raw Milk. Allison. Passed
5-29-46	Raw Milk. Allison. Passed
6-12-46	Raw Milk. Allison. Passed
7-24-46	Raw Milk. Allison. Passed
9-11-46	Raw Milk. Allison. Passed
10-30-46	Raw Milk. Allison. Passed
11-20-46	Raw Milk. Allison. Passed
2- 6-46	Raw Milk. F. Brannen. High bacteria
3-20-46	Raw Milk. F. Brannen. High bacteria
4-17-46	Raw Milk. F. Brannen. High bacteria
5-29-46	Raw Milk. F. Brannen. High bacteria
6-12-46	Raw Milk. F. Brannen. High bacteria
7-24-46	Raw Milk. F. Brannen. Passed
8-28-46	Raw Milk. F. Brannen. Passed
10-30-46	Raw Milk. F. Brannen. Passed
2- 6-46	Raw Milk. J. B. Glasscock. Below legal standard for butter fat
3-20-46	Raw Milk. J. B. Glasscock. High bacteria
4-17-46	Raw Milk. J. B. Glasscock. Passed
5-29-46	Raw Milk. J. B. Glasscock. Passed
7-24-46	Raw Milk. J. B. Glasscock. Passed
8-28-46	Raw Milk. J. B. Glasscock. Passed
9-11-46	Raw Milk. J. B. Glasscock. Passed
10-30-46	Raw Milk. J. B. Glasscock. Passed
11-20-46	Raw Milk. J. B. Glasscock. Passed
2- 6-46	Raw Milk. Ira D. Hisks. Passed
3-20-46	Raw Milk. Ira D. Hicks. Passed
4-17-46	Raw Milk. Ira D. Hicks. Passed
5-29-46	Raw Milk. Ira D. Hicks. Passed
6-12-46	Raw Milk. Ira D. Hicks. Passed

7-24-46 Raw Milk. Ira D. Hicks. Passed
8-28-46 Raw Milk. Ira D. Hicks. Passed
9-11-46 Raw Milk. Ira D. Hicks. Passed
10-30-46 Raw Milk. Ira D. Hicks. Passed
11-20-46 Raw Milk. Ira D. Hicks. Passed
2- 6-46 Raw Milk. A. Davis. Passed
3-20-46 Raw Milk. A. Davis. Passed
5-29-46 Raw Milk. A. Davis. High bacteria
6-12-46 Raw Milk. A. Davis. Passed
7-24-46 Raw Milk. A. Davis. High bacteria
8-28-46 Raw Milk. A. Davis. High bacteria
9-11-46 Raw Milk. A. Davis. High bacteria
10-30-46 Raw Milk. A. Davis. Passed
11-20-46 Raw Milk. A. Davis. Passed
2- 6-46 Raw Milk. Taylor & Kalb. High bacteria
11-20-46 Raw Milk. Taylor & Kalb. Passed
3-20-46 Raw Milk. Taylor & Kalb. High bacteria
10-30-46 Raw Milk. Taylor & Kalb. High bacteria
2- 6-46 Raw Milk. John Hotze. High bacteria
3-20-46 Raw Milk. John Hotze. High bacteria
10-30-46 Raw Milk. John Hotze. Passed
11-20-46 Raw Milk. John Hotze. High bacteria
2- 6-46 Grade A Raw. Bluegrass Dairy. Passed
3-20-46 Grade A Raw. Bluegrass Dairy. Passed
2- 6-46 Grade A. Fairmont. Passed
3-20-46 Grade A. Fairmont. Passed
4-17-46 Grade A. Fairmont. Passed
5-29-46 Grade A. Fairmont. Passed
6-12-46 Grade A. Fairmont.. Passed
3-20-46 Grade A Cream. Fairmont. Passed
4-17-46 Grade A Cream. Fairmont. Passed
5-29-46 Grade A Cream. Fairmont. Passed
6-12-46 Grade A Cream. Fairmont. Passed
4-17-46 Can. Key Dairy. Passed
5- 9-46 Can. Key Dairy. Passed
11-20-46 Can. Key Dairy. Passed
4-17-46 Raw. Unknown. Passed
4-17-46 Raw Milk. Gallenstein Dairy. Passed
5-29-46 Raw Grade A. Gallenstein Dairy. Passed

6-12-46 Raw Grade A. Gallenstein Dairy. Passed
7-24-46 Raw Grade A. Gallenstein Dairy. Passed
8-28-46 Raw Grade A. Gallenstein Dairy. Passed
9-11-46 Raw Grade A. Gallenstein Dairy. Passed
10-30-46 Raw Grade A. Gallenstein Dairy. Passed
11-20-46 Raw Grade A. Gallenstein Dairy. Passed
5-29-46 Chocolate Milk. Key. Made from skim milk—below legal standard for butter fat
7-24-46 Cream Grade A. W. B. Smoot. Passed
7-24-46 Milk Grade A. W. B. Smoot. Passed
8-28-46 Milk Grade A. W. B. Smoot. Passed
9-11-46 Milk. W. B. Smoot. Passed
10-30-46 Milk Grade A. W. B. Smoot. Passed
11-20-46 Milk Grade A. W. B. Smoot. Passed
7-26-46 Cottage Cheese. Key Dairy. Excessive moisture
9-11-46 Grade A Cream. Perrant. High bacteria
9-11-46 Milk Grade A. Perrant. Low in butter fat
9-11-46 Milk Grade A. Perrant. Low in butter fat and high bacteria
10-30-46 Milk Grade A. Perrant. Passed
10-30-46 Milk Grade A. Perrant. Passed
11-20-46 Milk Grade A. Perrant. Passed
11-20-46 Milk Grade A. Dodge & Browning. Passed
11-20-46 Milk Pasteurized. Kroger Groc. High bacteria
9-18-46 Milk to be past. Guy Hundley. High bacteria
9-18-46 Milk to be past. Smithey No. 1. High bacteria
9-18-46 Milk to be past. Smithey No. 2. High bacteria
9-18-46 Milk to be past. J. C. Sims. High bacteria
9-18-46 Milk to be past. Burns & Huffman. High bacteria
9-18-46 Milk to be past. Long and Horn. High bacteria
9-18-46 Milk to be past. E. C. Stephenson. High bacteria
9-18-46 Milk to be past. W. J. Horn. High bacteria
9-18-46 Milk to be past. Jones and Bohon. Passed
9-18-46 Milk to be past. Ralph Huffman. Passed
9-18-46 Milk to be past. Nally & Osborne. High bacteria
9-18-46 Milk to be past. Nally and Carrico. High bacteria
9-18-46 Milk to be past. Nally and Mattingly. High bacteria
9-18-46 Milk to be past. Ballard and Fowler. High bacteria
9-18-46 Milk to be past. Nally, Sims, and Wheatley. Passed

9-18-46 Pasteurized Vat No. 2. E. C. Stephenson. High bacteria
9-18-46 Pasteurized Grade A Vat No. 1. E. C. Stephenson. High bacteria
9-18-46 Ice Cream. Bluegrass Butter Co. Passed
10-30-46 Ungraded Milk. Kelsch. High bacteria
10-30-46 Ungraded Milk. Fred Cook. High bacteria
10-30-46 Ungraded Milk. J. A. Buser. Passed

MERCER COUNTY

5-28-46 Raw Milk. Ballard and Fowler. High bacteria
1- 9-46 Raw Milk. Ballard and Fowler. High bacteria
2-19-46 Raw Milk. Ballard and Fowler. Passed
3-12-46 Raw Milk. Ballard and Fowler. Passed
4-16-46 Raw Milk. Ballard and Fowler. High bacteria
5-14-46 Raw Milk. Ballard and Fowler. High bacteria
7-16-46 Raw Milk. Ballard and Fowler. High bacteria
10-22-46 Raw Milk. Ballard and Fowler. Passed
11-25-46 Raw Milk. Ballard and Fowler. Passed
6-18-46 Raw Milk. Ballard and Fowler. High bacteria
1- 9-46 Ice Cream. Bluegrass Butter Co. Passed
2-19-46 Ice Cream. Bluegrass Butter Co. Passed
3-12-46 Ice Cream. Bluegrass Butter Co. Passed
4-16-46 Ice Cream. Bluegrass Butter Co. Passed
5-14-46 Ice Cream. Bluegrass Butter Co. High bacteria
6-18-46 Ice Cream. Bluegrass Butter Co. Passed
7-16-46 Ice Cream. Bluegrass Butter Co. Passed
8-13-46 Ice Cream. Bluegrass Butter Co. High bacteria
10-22-46 Ice Cream. Bluegrass Butter Co. Passed
11-25-46 Ice Cream. Bluegrass Butter Co. Passed
1- 9-46 Raw Milk. Burns & Huffman. High bacteria
2-19-46 Raw Milk. Burns & Huffman. High bacteria
3-12-46 Raw Milk. Burns & Huffman. Passed
4-16-46 Raw Milk. Burns & Huffman. High bacteria
5-14-46 Raw Milk. Burns & Huffman. High bacteria
6-18-46 Raw Milk. Burns & Huffman. High bacteria
7-16-46 Raw Milk. Burns & Huffman. High bacteria
8-13-46 Raw Milk. Burns & Huffman. Passed
10-22-46 Raw Milk. Burns & Huffman. High bacteria

1- 9-46 Raw Milk. Carter & Dean. High bacteria
2-19-46 Raw Milk. Carter & Dean. Passed
3-12-46 Raw Milk. Carter & Dean. High bacteria
4-16-46 Raw Milk. Carter & Dean. High bacteria
5-14-46 Raw Milk. Carter & Dean. High bacteria
6-18-46 Raw Milk. Carter & Dean. High bacteria
7-16-46 Raw Milk. Carter & Dean. High bacteria
8-13-46 Raw Milk. Carter & Dean. Passed
10-22-46 Raw Milk. Carter & Dean. High bacteria
11-25-46 Raw Milk. Carter & Dean. High bacteria
1- 9-46 Raw Milk. Coyle and Coyle. High bacteria
10-22-46 Raw Milk Grade C. Coyle and Coyle. High bacteria
1- 9-46 Past. Grade A. E. C. Stephenson. High bacteria
2-19-46 Past. Grade A. E. C. Stephenson, Vat No. 1 (new). High bacteria
2-19-46 Past. Grade A. E. C. Stephenson, Vat No. 2 (old). High bacteria and below legal standard in fat
3-12-46 Past. Grade A. E. C. Stephenson, Vat No. 1. High bacteria
4-16-46 Past. Grade A. E. C. Stephenson. High bacteria
5-14-46 Past. Grade A. E. C. Stephenson. High bacteria
5-28-46 Past. Grade A. E. C. Stephenson. High bacteria
6-18-46 Past. Grade A. E. C. Stephenson. High bacteria
6-25-46 Past. Grade A. E. C. Stephenson, Vat No. 1. Passed
6-25-46 Past. Grade A. E. C. Stephenson, Vat No. 2, High bacteria
7-16-46 Past. Grade A. E. C. Stephenson, Vat No. 1. Passed
7-16-46 Past. Grade A. E. C. Stephenson. High bacteria
8-13-46 Past. Grade A. E. C. Stephenson, Vat No. 1. Passed
8-13-46 Past. Grade A. E. C. Stephenson, Vat No. 2. High bacteria
10-22-46 Past. Grade A. E. C. Stephenson. Passed
11-25-46 Past. Grade A. E. C. Stephenson. Passed
1-16-46 Raw (composite) (before cooling). E. C. Stephenson. High bacteria
1-16-46 Past. (off cooler). E. C. Stephenson. High bacteria
1-16-46 Pasteurized. E. C. Stephenson. High bacteria
1-16-46 Pasteurized. E. C. Stephenson. High bacteria
1- 9-46 Raw Milk. E. C. Stephenson. Passed

3-12-46 Raw Milk. E. C. Stephenson. High bacteria
4-16-46 Raw Milk. E. C. Stephenson. Passed
5-14-46 Raw Milk. E. C. Stephenson. High bacteria
5-28-46 Raw Milk. E. C. Stephenson. High bacteria
6-18-46 Raw Milk. E. C. Stephenson. High bacteria
7-16-46 Raw Milk. E. C. Stephenson. Passed
8-13-46 Raw Milk. E. C. Stephenson. High bacteria
1- 9-46 Raw Milk. Gardner & Baker. High bacteria
2-19-46 Raw Milk. Gardner & Baker. High bacteria
3-12-46 Raw Milk. Gardner & Baker. High bacteria
4-16-46 Raw Milk. Gardner & Baker. High bacteria
11-25-46 Raw Milk, Grade C. Gardner & Baker. High bacteria
1- 9-46 Raw Milk. Ralph Huffman. Passed
2-19-46 Raw Milk. Ralph Huffman. Passed
3-12-46 Raw Milk. Ralph Huffman. Passed
4-16-46 Raw Milk. Ralph Huffman. Passed
5-14-46 Raw Milk. Ralph Huffman. High bacteria
6-18-46 Raw Milk. Ralph Huffman. High bacteria
10-22-46 Raw Milk. Ralph Huffman. Passed
11-25-46 Raw Milk, Grade C. Ralph Huffman. Passed
1- 9-46 Raw Milk. Ben Gabbert. Passed
2-19-46 Raw Milk. Ben Gabbert. Passed
3-12-46 Raw Milk. Ben Gabbert. High bacteria
5-14-46 Raw Milk. Ben Gabbert. High bacteria
6-18-46 Raw Milk. Ben Gabbert. High bacteria
7-16-46 Raw Milk. Ben Gabbert. High bacteria
8-13-46 Raw Milk. Ben Gabbert. Passed
11-25-46 Raw Milk, Grade C. Ben Gabbert. High bacteria
1- 9-46 Raw Milk. St. Rose. Low in butter fat
1- 9-46 Raw Milk. Nally & Yates. High bacteria
1- 9-46 Raw Milk. Nally, Sims & Wheatley. High bacteria
7-16-46 Raw Milk. Nally, Sims & Wheatley. High bacteria
8-13-46 Raw Milk. Nally, Sibs & Wheatley. High bacteria
10-22-46 Raw Milk. Nally, Sims & Wheatley. High bacteria
11-25-46 Raw Milk. Nally, Sims & Wheatley. High bacteria
1- 9-46 Raw Milk. E. R. Leathers. High bacteria
1- 9-46 Raw Milk. Long and Hendren. High bacteria
2-19-46 Raw Milk. Long and Hendren. Passed
3-12-46 Raw Milk. Long and Hendren. Passed

4-16-46 Raw Milk. Long and Hendren. High bacteria
5-14-46 Raw Milk. Long and Hendren. High bacteria
6-18-46 Raw Milk. Long and Hendren. High bacteria
7-16-46 Raw Milk. Long and Hendren. High bacteria
11-25-46 Raw Milk. Long and Hendren. Passed
1- 9-46 Raw Milk. John Kurtz. High bacteria
1- 9-46 Raw Milk. David Shapiro. Passed
2-19-46 Raw Milk. David Shapiro. Passed
3-12-46 Raw Milk. David Shapiro. Passed
4-16-46 Raw Milk. David Shapiro. Passed
2-19-46 Raw Milk. Jason Tate & Son. High bacteria
3-12-46 Raw Milk. Jahon Tate & Son. Passed
1- 9-46 Raw Milk. Jones & Bohon. Passed
2-19-46 Raw Milk. Jones & Bohon. Passed
3-12-46 Raw Milk. Jones & Bohon. Passed
4-16-46 Raw Milk. Jones & Bohon. Passed
5-14-46 Raw Milk. Jones & Bohon. Passed
5-28-46 Raw Milk. Jones & Bohon. Passed
6-18-46 Raw Milk. Jones & Bohon. Passed
7-16-46 Raw Milk. Jones & Bohon. Passed
8-13-46 Raw Milk. Jones & Bohon. Passed
10-22-46 Raw Milk. Jones & Bohon. Passed
11-25-46 Raw Milk. Jones & Bohon. Passed
1- 9-46 Raw Milk. Merrell Long. High bacteria
1- 9-46 Raw Milk. Nally & Osborne. High bacteria
2-19-46 Raw Milk. Nally & Osborne. Passed
3-12-46 Raw Milk. Nally & Osborne. High bacteria
4-16-46 Raw Milk. Nally & Osborne. High bacteria
5-14-46 Raw Milk. Nally & Osborne. High bacteria
5-28-46 Raw Milk. Nally & Osborne. High bacteria
6-18-46 Raw Milk. Nally & Osborne. Passed
7-16-46 Raw Milk. Nally & Osborne. High bacteria
8-13-46 Raw Milk. Nally & Osborne. High bacteria
10-22-46 Raw Milk. Nally & Osborne. High bacteria
11-25-46 Raw Milk. Nally & Osborne. High bacteria
1- 9-46 Raw Milk. Guy Smithey. High bacteria
2-19-46 Raw Milk. Guy Smithey. Passed
3-12-46 Raw Milk. Guy Smithey. Passed
4-16-46 Raw Milk. Guy Smithey. Passed

5-14-46 Raw Milk. Guy Smithey. High bacteria
5-28-46 Raw Milk. Guy Smithey. High bacteria
6-18-46 Raw Milk. Guy Smithey. High bacteria
7-16-46 Raw Milk. Guy Smithey. High bacteria
8-13-46 Raw Milk. Guy Smithey No. 1. High bacteria
8-13-46 Raw Milk. Guy Smithey No. 2. High bacteria
10-22-46 Raw Milk. Guy Smithey No. 1 Grade C. Passed
10-22-46 Raw Milk. Guy Smithey No. 2 Grade C. Passed
11-25-46 Raw Milk. Guy Smithey No. 1. Passed
11-25-46 Raw Milk. Guy Smithey No. 2. Passed
1- 9-46 Raw Milk. J. C. Sims. High bacteria
4-16-46 Raw Milk. J. C. Sims. High bacteria
5-14-46 Raw Milk. J. C. Sims. High bacteria
6-18-46 Raw Milk. J. C. Sims. Passed
7-16-46 Raw Milk. J. C. Sims. Passed
8-13-46 Raw Milk. J. C. Sims. Passed
10-22-46 Raw Milk. J. C. Sims. Passed
11-25-46 Raw Milk. J. C. Sims. Passed
1- 9-46 Raw Milk. Relty Gardner. High bacteria
2-19-46 Raw Milk. Kitty Gardner. Passed
3-12-46 Raw Milk. Kitty Gardner. Passed
4-16-46 Raw Milk. Kitty Gardner. High bacteria
1- 9-46 Raw Milk. Oakley Scott. High bacteria
2-19-46 Raw Milk. Oakley Scott. Passed
3-12-46 Raw Milk. Oakley Scott. High bacteria
4-16-46 Raw Milk. Oakley Scott. High bacteria
2-19-46 Raw Milk. Long and Horn. Passed
3-12-46 Raw Milk. Long and Horn. Passed
4-16-46 Raw Milk. Long and Horn. Passed
5-14-46 Raw Milk. Long and Horn. High bacteria
6-18-46 Raw Milk. Long and Horn. High bacteria
7-16-46 Raw Milk. Long and Horn. High bacteria
8-13-46 Raw Milk. Long and Horn. High bacteria
10-22-46 Raw Milk. Long and Horn. Passed
11-25-46 Raw Milk, Grade A. Long and Horn. High bacteria
2-19-46 Raw Milk. Nally & Mattingly. High bacteria
3-12-46 Raw Milk. Nally & Mattingly. Passed
4-16-46 Raw Milk. Nally & Mattingly. Passed
5-14-46 Raw Milk. Nally & Mattingly. High bacteria

5-28-46 Raw Milk. Nally & Mattingly. High bacteria
6-18-46 Raw Milk. Nally & Mattingly. High bacteria
7-16-46 Raw Milk. Nally & Mattingly. High bacteria
8-13-46 Raw Milk. Nally & Mattingly. High bacteria
2-19-46 Raw Milk. Ancil Moore. Passed
3-12-46 Raw Milk. Ancil Moore. High bacteria
2-19-46 Raw Milk. A. W. Benedict. High bacteria
3-12-46 Raw Milk. A. W. Benedict. High bacteria
3-12-46 Raw Milk. J. C. Sims. Passed
3-12-46 Raw Milk. Hubert Gabbert. Passed
6-18-46 Raw Milk. Hubert Gabbert. High bacteria
4-16-46 Raw Milk. Hubert Gabbert. Passed
3-12-46 Raw Milk. Nally and Carrier. High bacteria
5-14-46 Raw Milk. Nally and Carrier. High bacteria
4-16-46 Raw Milk. Nally and Carrico. High bacteria
5-28-46 Raw Milk. Nally and Carrico. High bacteria
6-18-46 Raw Milk. Nally and Carrico. High bacteria
7-16-46 Raw Milk. Nally and Carrico. Passed
8-13-46 Raw Milk. Nally and Carrico. Passed
10-22-46 Raw Milk. Nally and Carrico. High bacteria
11-25-46 Raw Milk. Nally and Carrico. High bacteria
3-12-46 Raw Milk. Tom Johnson. Passed
3-12-46 Raw Milk. W. J. Horn. Passed
4-16-46 Raw Milk. W. J. Horn. Passed
5-14-46 Raw Milk. W. J. Horn. High bacteria
5-28-46 Raw Milk. W. J. Horn. Passed
6-18-46 Raw Milk. W. J. Horn. High bacteria
7-16-46 Raw Milk. W. J. Horn. Passed
8-13-46 Raw Milk. W. J. Horn. Passed
10-22-46 Raw Milk. W. J. Horn. Passed
11-25-46 Raw Milk. W. J. Horn. Passed
5-28-46 Raw Milk. C. P. Mahan. Passed
8-13-46 Raw Milk. Ballard and Fowler. Passed
10-22-46 Raw Milk. Guy Hundley. Passed
10-22-46 Raw Milk. W. H. Langford. High bacteria
11-25-56 Raw Milk. W. H. Langford. High bacteria
11-25-46 Raw Milk. Monetta. Passed
10-22-46 Raw Milk Grade C. Nally and Sims. High bacteria
11-25-46 Raw Milk Grade C. Nally and Sims. High bacteria

11-25-46 Raw Milk. R. A. Grider. Passed
10-22-46 Raw Milk. Varnon Nally. High bacteria
11-25-46 Raw Milk. Varnon Nally. High bacteria
11-25-46 Raw Milk. R. E. Mullen. High bacteria
11-25-46 Raw Milk. N. G. Roberts. High bacteria

MONTGOMERY COUNTY

7- 3-46 Raw Milk. Sid Anderson. High bacteria
7- 3-46 Raw Milk. Richard Barnett. High bacteria
7- 3-46 Raw Milk. R. A. Chaney. High bacteria
7- 3-46 Raw Milk. R. L. Chaney. High bacteria
7- 3-46 Raw Milk. Robt. Chandler. Passed
7- 3-46 Raw Milk. Jeff Cooper. High bacteria
7- 3-46 Raw Milk. Vernon Fogg. Passed
7- 3-46 Raw Milk. Gatewood and Rankin. High bacteria
7- 3-46 Raw Milk. Rose and Murphy. High bacteria
7- 3-46 Raw Milk. Greer and Sorrell. High bacteria
7- 3-46 Raw Milk. O. C. Ramey. Passed
7- 3-46 Raw Milk. Everett Stafford. High bacteria
7- 3-46 Raw Milk. Glenn Stafford. High bacteria
7- 3-46 Raw Milk. E. M. Terry. High bacteria

NICHOLAS COUNTY

5-22-46 Past. Grade A Cream. A. & P. Apparently raw cream, high bacteria
6-11-46 Pasteurized Milk. A. & P.—Carlisle, Ky. Passed
6-11-46 Raw Milk. Hamer Miller. Passed
6-11-46 Raw Milk. Piper. Passed
6-11-46 Raw Milk. Clyde Sexton. Passed

PERRY COUNTY

5-22-46 Raw Milk. Ashland Dairies (plant shipper). Passed
8-14-46 Raw Milk. Ashland Dairies. Passed
5-22-46 Raw Milk. Bakers (plant shipper). High bacteria—underpasteurized
6- 5-46 Raw Milk. Bakers. High bacteria, below legal standard in butter fat
7-11-46 Raw Milk. Bakers. Unfit for analysis—sour

7-17-46 Raw Milk. Bakers. High bacteria
6- 5-46 Raw Milk. Brewers. High bacteria
7-11-46 Raw Milk. Brewers. Insufficiently iced
7-17-46 Raw Milk. Brewers. High bacteria
9- 4-46 Raw Milk. Brewers. High bacteria
6- 5-46 Raw Milk. Childers. Passed
3-20-46 Grade A Milk. Combs. Passed
5- 1-46 Grade A Milk. Combs. Passed
5-22-46 Grade A Milk. Combs. Passed
7-17-46 Grade A Milk. Combs. Passed (not a representative sample)
8-16-46 Grade A. Combs. Passed
8-28-46 Grade A. Combs. Passed
9- 4-46 Grade A. Combs. Passed.
7-17-46 Raw Milk. Francis. Passed
8-14-46 Raw Milk. Francis. Passed
8-28-46 Raw Milk. Francis. Passed
9- 4-46 Raw Milk. Francis. Passed
4- 3-46 Grade A. Godsey. Bacteria high
5- 1-46 Grade A. Godsey. High basteria
6- 5-46 Grade A. Godsey. High bacteria
7-17-46 Grade A. Godsey. Passed
8-14-46 Grade A. Godsey. High bacteria
8-28-46 Grade A. Godsey. High bacteria
2-20-46 Grade A Past. Hazard Ice Cd. No. 1. High bacteria
2-20-46 Grade A Past. Hazard Ice Cr. No. 2. High bacteria
3- 6-46 Grade A Past. Hazard Ice Cr. No. 1. High bacteria
3- 6-46 Grade A Past. Hazard Ice Cr. No. 2. High bacteria
3-20-46 Grade A Past. Hazard Ice Cr. High bacteria, under pasteurized
4- 3-46 Grade A Past. Hazard Ice Cr. No. 1. High bacteria
4- 3-46 Grade A Past. Hazard Ice Cr. No. 2. High bacteria
5- 1-46 Grade A Past. Hazard Ice Cr. High bacteria
7-11-46 Grade A Past. Hazard Ice Cr. No. 1. Unsatisfactory for bacteriological examination
7-11-46 Grade A Past. Hazard Ice Cr. No. 2. Unsatisfactory for bacteroligical examination
7-17-46 Grade A Past. Hazard Ice Cr. High bacteria
7-17-46 Grade A Past. Hazaard Ice Cr. High bacteria

8-14-46 Grade A Past. Hazard Ice Cr. High bacteria
8-28-46 Grade A Past. Hazard Ice Cr. High bacteria
9- 4-46 Grade A Past. Hazard Ice Cr. High bacteria
2-20-46 Grade A. Homeplace. Passed
3- 6-46 Grade A. Homeplace. Passed
3-20-46 Grade A Past. Homeplace. Passed
4- 3-46 Grade A. Homeplace. Passed
5- 1-46 Grade A. Homeplace. Passed
5-22-46 Grade A. Homeplace. High bacteria
7-17-46 Grade A. Homeplace. Passed
8-14-46 Grade A. Homeplace. Passed
8-28-46 Grade A. Homeplace. Passed
7-1-46 Raw Milk. John Morris. Passed—below legal standard in butter fat
6- 5-46 Raw Milk. Napier. High bacteria
7-17-46 Raw Milk. Napier. High bacteria
2-20-46 Past. Grade A. Perry Coop. High bacteria
3- 6-46 Past. Grade A. Perry Coop. High bacteria
3-20-46 Past. Grade A. Perry Coop. High bacteria
4- 3-46 Past. Grade A. Perry Coop. No. 1. High bacteria
4- 3-46 Past. Grade A. Perry Coop. No. 2. High bacteria
5- 1-46 Past. Grade A. Perry Coop. High bacteria
5-22-46 Past. Grade A. Perry Coop. Underpasteurized.
6- 5-46 Past. Grade A. Perry Coop. High bacteria
7-11-46 Pasteurized Grade A. Perry Coop. Unsatisfactory for bacteriological exam.
7-17-46 Past. Grade A. Perry Coop. Passed
8-14-46 Past. Grade A. Perry Coop. High bacteria
8-28-46 Past Grade A. Perry Coop. Underpasteurized
9- 6-46 Past. Grade A. Perry Coop. High bacteria

PIKE COUNTY

2-26-46 Grade A. Bowles. Passed
9-25-46 Grade A. Bowles. High bacteria (poor sanitary quality)
10-23-46 Grade A. Bowles. Passed
11-26-46 Grade A. Bowles. Passed
2-26-46 Past. Grade A. Guyan Creamery. High bacteria

9-25-46 Past. Grade A. Guyan Creamery. High bacteria, (plant equipment needs sterilization)
10-23-46 Grade A Past. Guyan Creamery. High bacteria
11-26-46 Past. Grade A. Guyan Creamery. High bacteria
2-26-46 Past. Grade A. Justice. High bacteria
3-26-46 Past. Grade A. Justice. Below legal butter fat standard
9-25-46 Past. Grade A. Justice. High bacteria, underpasteurized
10-23-46 Past. Grade A. Justice. High bacteria
11-26-46 Past. Grade A. Justice. High bacteria
3-26-46 Pasteurized. LeRoy. High bacteria
2-26-46 Raw Milk. Maynard. Passed
9-25-46 Raw Milk. Maynard. High bacteria
10-23-46 Raw Milk. Maynard. Passed
11-26-46 Raw Milk. Maynard. High bacteria
2-26-46 Past. Grade A. Pet Milk Co. Passed
3-26-46 Past. Grade A. Pet Milk Co. High bacteria

PULASKI COUNTY

1-22-46 Raw Milk. J. Aker. High bacteria
5-14-46 Raw Milk. Lee Banks. High bacteria
6-18-46 Raw Milk. Lee Banks. High bacteria
7-17-46 Raw Milk. Lee Banks, High bacteria
8-21-46 Raw Milk. Lee Banks. High bacteria
10-22-46 Raw Milk. Lee Banks. Passed
11-20-46 Raw Milk. Lee Banks. Passed
12-18-46 Raw Milk. Lee Banks. Passed
4-11-46 Raw Milk. H. Bullock. High bacteria, added water
7-17-46 Raw Milk. H. Bullock. High bacteria
8-21-46 Raw Milk. H. Bullock. High bacteria
9-24-46 Raw Milk. H. Bullock. High bacteria
10-24-46 Raw Milk. H. Bullock. Passed
11-20-46 Raw Milk. H. Mullock. Passed
12-18-46 Raw Milk. H. Bullock. Passed
5-14-46 Raw Milk. College Street. Passed
6-18-46 Raw Milk. College Street. High bacteria
7-17-46 Raw Milk. College Street. High bacteria
8-21-46 Raw Milk. College Street. Passed

9-24-46 Raw Milk. College Street. Passed
10-22-46 Raw Milk. College Street. Passed
11-20-46 Raw Milk. College Street. Below legal butter fat standard
12-18-46 Raw Milk. College Street. Passed
1-22-46 Raw Milk. A. J. Colyer. Passed
4-11-46 Raw Milk. A. J. Colyer. Passed
5-14-46 Raw Milk. A. J. Colyer. Passed
6-18-46 Raw Milk. A. J. Colyer. High bacteria
7-17-46 Raw Milk. A. J. Colyer. High bacteria
8-21-46 Raw Milk. A. J. Colyer. High bacteria
1-22-46 Raw Milk. D. Cundiff. Passed
4-11-46 Raw Milk. D. Cundiff. Passed
5-14-46 Raw Milk. D. Cundiff. Passed
6-18-46 Raw Milk. D. Cundiff. High bacteria
7-17-46 Raw Milk. D. Cundiff. Passed
8-21-46 Raw Milk. D. Cundiff. High bacteria
9-24-46 Raw Milk. D. Cundiff. High bacteria
10-22-46 Raw Milk. D. Cundiff. Passed
11-20-46 Raw Milk. D. Cundiff, High bacteria not a representative sample
12-18-46 Raw Milk. D. Cundiff. High bacteria
1-22-46 Raw Milk. O. Gosser. Passed
5-14-46 Raw Milk. O. Gosser. Passed
6-18-46 Raw Milk. O. Gosser. High bacteria
7-17-46 Raw Milk. O. Gosser. High bacteria
8-21-46 Raw Milk. O. Gosser. High bacteria
9-24-46 Raw Milk. O. Gosser. High bacteria
10-22-46 Raw Milk. O. Gosser. Passed
11-20-46 Raw Milk. O. Gosser. Passed
12-18-46 Raw Milk. O. Gosser. High bacteria
1-22-46 Raw Milk. B. Gragg. Passed
5-14-46 Raw Milk. B. Gragg High bacteria
6-18-46 Raw Milk. B. Gragg. High bacteria
7-17-46 Raw Milk. B. Gragg. High bacteria
8-21-46 Raw Milk. B. Gragg. High bacteria
9-24-46 Raw Milk. B. Gragg. High bacteria
10-22-46 Raw Milk. B. Gragg. Passed
11-20-46 Raw Milk. B. Gragg. High bacteria

12-18-46 Raw Milk. B. Gragg. Passed
1-22-46 Raw Milk. Wm. Harper. Passed
11-20-46 Raw Milk. G. Hurt. Passed
12-18-46 Raw Milk. G. Hurt. Passed
5-14-46 Raw Milk. Harry Jones. Passed
6-18-46 Raw Milk. Harry Jones. High bacteria
4-11-46 Raw Milk. L. Jones. Passed
1-22-46 Raw Milk. G. Loveless. Passed
4-11-46 Raw Milk. G. Loveless. Passed
5-14-46 Raw Milk. G. Loveless. Passed
6-18-46 Raw Milk. G. Loveless. Passed
7-17-46 Raw Milk. G. Loveless. Passed
8-21-46 Raw Milk. G. Loveless. High bacteria; added water
9-24-46 Raw Milk. G. Loveless. Passed
10-22-46 Raw Milk. G. Loveless. Passed
11-20-46 Raw Milk. G. Loveless. Passed
12-18-46 Raw Milk. G. Loveless. Passed
4-11-46 Raw Milk. T. McGahan. Passed
5-14-46 Raw Milk. T. McGahan. High bacteria.
6-18-46 Raw Milk. T. McGahan. High bacteria—plate overgrown; B. aerogenes
5-14-46 Raw Milk. Forest McMullin. High bacteria
6-18-46 Raw Milk. T. McGahan. High bacteria
7-17-46 Raw Milk. Forest McMullin. High bacteria
8-21-46 Raw Milk. Forest McMullin. High bacteria
9-24-46 Raw Milk. Forest McMullin. High bacteria
10-22-46 Raw Milk. Forest McMullin. Passed
11-20-46 Raw Milk. Forest McMullin. Passed
12-18-46 Raw Milk. Forest McMullin. High bacteria
1-22-46 Raw Milk. A. J. Miller. Passed
4-11-46 Raw Milk. A. J. Miller. Passed
5-14-46 Raw Milk. A. J. Miller. Passed
6-18-46 Raw Milk. A. J. Miller. High bacteria
7-17-46 Raw Milk. A. J. Miller. Passed
8-21-46 Raw Milk. A. J. Miller. Passed
9-24-46 Raw Milk. A. J. Miller. Passed
10-22-46 Raw Milk. A. J. Miller. Passed
11-20-46 Raw Milk. A. J. Miller. Passed
12-18-46 Raw Milk. A. J. Miller. Passed

5-14-46 Raw Milk. Aubrey Mullins. High bacteria
6-18-46 Raw Milk. Aubrey Mullins. High bacteria
6-18-46 Raw Milk. G. W. Murphy. High bacteria
7-17-46 Raw Milk. G. W. Murphy. High bacteria
8-21-46 Raw Milk. G. W. Murphy. High bacteria
9-24-46 Raw Milk. G. W. Murphy. High bacteria
10-22-46 Ra wMilk. G. W. Murphy. Passed
11-20-46 Raw Milk. G. W. Murphy. Passed
12-18-46 Raw Milk. G. W. Murphy. Passed
1-22-46 Raw Milk. Chas. Roberts. Abnormal; not a fair sample
4-11-46 Raw Milk . Chas. Roberts. Passed
5-14-46 Raw Milk. Chas. Roberts. Passed
6-18-46 Raw Milk. Chas. Roberts. Passed
7-17-46 Raw Milk. Chas. Roberts. High bacteria
8-21-46 Raw Milk. Chas. Roberts. Passed
9-24-46 Raw Milk. Chas. Roberts. Passed
10-22-46 Raw Milk. Chas. Roberts. Passed
11-20-46 Raw Milk. Chas. Roberts. Passed
12-18-46 Raw Milk. Chas. Roberts. Passed
1-22-46 Raw Milk. T. Sears. Passed
4-11-46 Raw Milk. T. Sears. Passed
5-14-46 Raw Milk. Sears Creamtop. Passed
6-18-46 Raw Milk. Sears Creamtop. Passed
7-17-46 Raw Milk. Sears Creamtop. Below legal standard for butter fat
8-21-46 Raw Milk. Sears Creamtop. Passed
8-21-46 Raw Milk. Sears Creamtop. Low in butter fat
9-24-46 Raw Milk. Sears Creamtop. Passed
10-22-46 Raw Milk. Sears Creamtop. Passed
11-20-46 Raw Milk. Sears Creamtop. Below legal standard for butter fat
12-18-46 Raw Milk. Sears Creamtop. Passed
1-22-46 Raw Milk. B. Smith, Jr. Passed
1-22-46 Pasteurized Milk. Somerset Creamery Co. Passed
4-11-46 Pasteurized Milk. Somerset Creamery Co. High bacteria
5-14-46 Pasteurized Milk. Somerset Creamery Co. Passed
5-14-46 Pasteurized Milk. Somerset Creamery Co. Passed

6-18-46	Pasteurized Milk.	Somerset Creamery Co.	High bacteria
7-17-46	Pasteurized Milk.	Somerset Creamery Co.	High bacteria
8-21-46	Pasteurized Milk.	Somerset Creamery Co.	High bacteria
9-24-46	Pasteurized Milk.	Somerset Creamery Co.	Passed
10-22-46	Pasteurized Milk.	Somerset Creamery Co.	Passed
11-20-46	Pasteurized Milk.	Somerset Creamery Co.	High bacteria
12-18-46	Pasteurized Milk.	Somerset Creamery Co.	Passed
4-11-46	Raw Milk.	J. Yahnig.	Passed
5-14-46	Raw Milk.	J. Yahnig.	Passed
6-18-46	Raw Milk.	J. Yahnig.	Passed
7-17-46	Raw Milk.	J. Yahnig.	Passed
8-21-46	Raw Milk.	J. Yahnig.	Passed
9-24-46	Raw Milk.	J. Yahnig.	Passed
10-22-46	Raw Milk.	J. Yahnig.	Passed
11-20-46	Raw Milk.	J. Yahnig.	Passed
12-18-46	Raw Milk.	J. Yahnig.	Passed

ROWAN COUNTY

4-12-46	Raw Milk.	B. F. Bradley.	High bacteria; added water
9- 4-46	Raw Milk.	B. F. Bradley.	Passed; added water
4-10-46	Raw Milk.	W. D. Caudill.	High bacteria
9- 4-46	Raw Milk.	W. D. Caudill.	Passed
1-23-46	Raw Milk.	C. Colliver.	Passed
4-10-46	Raw Milk.	C. Colliver.	High bacteria
9- 6-46	Raw Milk.	C. Colliver.	Passed
1-23-46	Raw Milk.	W. A. Dalton.	Passed
4-10-46	Raw Milk.	W. A. Dalton.	Passed
1-23-46	Raw Milk.	Dickerson.	Passed
9- 4-46	Raw Milk.	Harding.	High bacteria; added water
1-23-46	Raw Milk.	Eldridge.	Passed
4-10-46	Raw Milk.	Eldridge.	Passed
9- 4-46	Raw Milk.	Eldridge.	Passed
4-10-46	Raw Milk.	Farris.	High bacteria
9- 4-46	Raw Milk.	Farris.	Passed
1-23-46	Raw Milk.	Greenwade.	High bacteria

4-10-46 Raw Milk. Greenwade. High bacteria
9- 4-46 Raw Milk. Greenwade. High bacteria
4-10-46 Raw Milk. Wilfred Harding. Passed
9- 4-46 Raw Milk. Harding. High bacteria; added water
1-23-46 Raw Milk. Highley. High bacteria
4-10-46 Raw Milk. Highley. Passed
9- 4-46 Raw Milk. Highley. Passed
4-10-46 Raw Milk. Horton. Passed
9- 4-46 Raw Milk. Horton. Passed
1-23-46 Raw Milk. Hurst. Passed
4-10-46 Raw Milk. H. G. Hurst. High bacteria
9- 4-46 Raw Milk. H. G. Hurst. High bacteria
1-23-46 Raw Milk. W. Moore. Passed
4-10-46 Raw Milk. W. Moore. High bacteria
9- 4-46 Raw Milk. W. Moore. Passed
1-23-46 Raw Milk. O. Muse. Passed
4-10-46 Raw Milk. O. Muse. Passed
9- 4-46 Raw Milk. O. Muse. Added water
1-23-46 Raw Milk. E. Ratcliff. Passed
4-10-46 Raw Milk. E. Ratcliff. Passed
9- 4-46 Raw Milk. E. Ratcliff. Passed
4-10-46 Pasteurized Milk. Red Rose. Passed
9- 4-46 Pasteurized Milk. Red Rose. Passed; below legal standard for butter fat
1-23-46 Raw Milk. W. Reeves. Passed
4-10-46 Raw Milk. Dorothy Reeves. Passed
9- 4-46 Raw Milk. Dorothy Reeves. High bacteria
9- 4-46 Raw Milk. Reeds. High bacteria
1-23-46 Raw Milk. L. Saunders. Passed
9- 4-46 Raw Milk. L. Saunders. High bacteria
1-23-46 Raw Milk. W. P. Saunders. Passed
4-10-46 Raw Milk. W. P. Saunders. High bacteria
9- 4-46 Raw Milk. W. P. Saunders. Passed
4-10-46 Raw Milk. Saunders and Taylor. High bacteria
9- 4-46 Raw Milk. Saunders and Taylor. High bacteria
9- 4-46 Raw Milk. Sam Skagg. High bacteria
1-23-46 Pasteurized Milk. Spring Grove. High bacteria
4-10-46 Pasteurized Milk. Spring Grove. High bacteria
9- 4-46 Pasteurized Milk. Spring Grove. Passed
9- 4-46 Raw Milk. S and F. Added water

1-23-46 Raw Milk. D. Taylor. Passed
4-10-46 Raw Milk. D. Taylor. Passed
9- 4-46 Raw Milk. C. Taylor. Passed
9- 4-46 Raw Milk. H. Taylor. Passed
4-10-46 Raw Milk. Taylor & Fannin. High bacteria
1-23-46 Raw Milk. Tipton. Passed
4-10-46 Raw Milk. Tipton. Passed
9- 4-46 Raw Milk. Touts. Added water
4-10-46 Raw Milk. Turley. Passed
1-23-46 Raw Milk. C. Wagner. High bacteria
4-10-46 Raw Milk. C. Wagner. High bacteria
1-23-46 Raw Milk. D. Wagner. Passed
4-10-46 Raw Milk. D. Wagner. Passed
9- 4-46 Raw Milk. D. Wagner. Passed
4-10-46 Raw Milk. Laura Waggoner. Passed
9- 4-46 Raw Milk. Laura Waggoner. High bacteria
9- 4-46 Raw Milk. Walton. High bacteria
1-23-46 Raw Milk. Mrs. Willory. High bacteria
4-10-46 Raw Milk. E. F. Willory. High bacteria
9- 4-46 Raw Milk. Willerory. Passed
9- 4-46 Raw Milk. Wilerary. High bacteria

SCOTT COUNTY

1-16-46 Raw Milk. Claxon. Passed
2-13-46 Raw Milk. Claxon. Passed
2-13-46 Raw Milk. Horace Gatewood. Below legal standard—fat
10-30-46 Raw Milk. Horace Gatewood. Passed
1-16-46 Raw Milk. Hayden. High bacteria
2-13-46 Raw Milk. Hayden. High bacteria
1-16-46 Grade A Past. Home Ice & Dairy Co. Passed
2-13-46 Grade A Past. Home Ice & Dairy Co. High bacteria
3- 4-46 Grade A Past. Home Ice & Dairy Co. No added water
3-28-46 Grade A Past. Home Ice & Dairy Co. High bacteria
5-29-46 Pasteurized. Home Ice & Dairy Co. High bacteria
6-12-46 Pasteurized. Home Ice & Dairy Co. High bacteria

6-19-46 Grade A Past. Home Ice & Dairy Co. Passed
10- 2-46 Pasteurized. Home Ice & Dairy Co. High bacteria
10- 7-46 Grade A Past. Home Ice & Dairy Co. High bacteria
10- 7-46 Grade A Past. Home Ice & Dairy Co. High bacteria
10- 7-46 Grade A Past. Home Ice & Dairy Co. High bacteria
10- 7-46 Bottle Past. Home Ice & Dairy Co. Passed
10- 7-46 Bottle Past. Home Ice & Dairy Co. Passed
10- 7-46 Bottle Past. Home Ice & Dairy Co. Passed
10- 7-46 Bottle Past. Home Ice & Dairy Co. Passed
10- 8-46 Bottle Past. Home Ice & Dairy Co. High bacteria
10- 8-46 Bottle Past. Home Ice & Dairy Co. High bacteria
10- 8-46 Bottle Past. Home Ice & Dairy Co. High bacteria
10- 9-46 Bottle Past. Home Ice & Dairy Co. High bacteria
10- 9-46 Bottle Past. Home Ice & Dairy Co. High bacteria
10- 9-46 Bottle Past. Home Ice & Dairy Co. High bacteria
10-15-46 Pasteurized. Home Ice & Dairy Co. Passed
10-15-46 Pasteurized. Home Ice & Dairy Co. Passed
10-15-46 Pasteurized. Home Ice & Dairy Co. High bacteria
10-23-46 Pasteurized. Home Ice & Dairy Co. Passed
10-23-46 Pasteurized. Home Ice & Dairy Co. Passed
10-23-46 Pasteurized. Home Ice & Dairy Co. Passed
10-30-46 Pasteurized Grade A. Home Ice & Dairy Co. High bacteria
11- 5-46 Pasteurized. Home Ice & Dairy Co. Passed
11- 5-46 Pasteurized. Home Ice & Dairy Co. Passed
11- 5-46 Pasteurized. Home Ice & Dairy Co. Passed
11- 5-46 Empty Bottle. Home Ice & Dairy Co. Passed
11- 5-46 Empty Bottle. Home Ice & Dairy Co. Passed
11- 5-46 Empty Bottle. Home Ice & Dairy Co. Passed
11-20-46 Pasteurized. Home Ice & Dairy Co. High bacteria; underpasteurized
11-20-46 Pasteurized. Home Ice & Dairy Co. High bacteria and added water
11-20-46 Pasteurized. Home Ice & Dairy Co. Passed
11-26-46 Pasteurized. Home Ice & Diary Co. High bacteria
11-26-46 Pasteurized. Home Ice & Diary Co. High bacteria
11-26-46 Pasteurized. Home Ice & Diary Co. High bacteria
12-17-46 Pasteurized. Home Ice & Coal Co. High bacteria
12-17-46 Pasteurized. Home Ice & Coal Co. High bacteria
12-17-46 Pasteurized. Home Ice & Coal Co. High bacteria

1-16-46 Raw Milk. Humphrey. High bacteria
2-13-46 Raw Milk. Humphrey. High bacteria
1-16-46 Raw Milk. Kravetz. High bacteria
2-13-46 Raw Milk. Kravetz. High bacteria
1-16-46 Raw Milk. Lancaster. Passed
2-13-46 Raw Milk. Lancaster. High bacteria
1-16-46 Raw Milk. Lebus Bros. High bacteria
2-13-46 Raw Milk. Lebus Bros. High bacteria
11-26-46 Raw Milk. C. Lebus & Son. High bacteria
1-16-46 Raw Milk. Lovell. Passed
2-13-46 Grade A. Lovell. Passed
3-28-46 Grade A. Lovell. High bacteria; below legal standard for butter fat
5-29-46 Raw Milk. Lovell. High bacteria; below legal standard for butter fat
6-12-46 Raw Milk. Lovell. High bacteria
6-19-46 Grade A. Lovell. High bacteria
1-16-46 Raw Milk. Power. Passed
2-13-46 Raw Milk. Power. High bacteria
2-13-46 Raw Milk. Sharp. High bacteria
1-16-46 Raw Milk. Story. Passed
2-13-46 Raw Milk. Story. Passed
3-28-46 Raw Milk. Story. High bacteria
5-29-46 Raw Milk. Story. High bacteria
6-12-46 Raw Milk. Story. High bacteria
6-19-46 Grade A. Story. High bacteria
2-13-46 Raw Milk. Traylor. Passed
1-16-46 Raw Milk. Warring Bros. High bacteria
2-13-46 Raw Milk. Warring Bros. High bacteria

SPENCER COUNTY

5-28-46 Raw Milk. J. W. Armstrong. Added water
5-28-46 Raw Milk. D. C. Casey, Jr. Added water
5-28-46 Raw Milk. Glen Fergerson. Added water; low butter fat
5-28-46 Raw Milk. J. E. Fergerson. Added water
5-28-46 Raw Milk. Stanley Fergerson. Added water
5-28-46 Raw Milk. Ellis Jewell. Added water; low butter fat

5-28-46 Raw Milk. Madison Jewell. Added water; low butter fat
5-28-46 Raw Milk. Madison Jewell, Jr. Added water: none
5-28-46 Raw Milk. Robt. Seay. Added water
5-28-46 Raw Milk. J. D. Stout. Added water
5-28-46 Raw Milk. Ed. Whitaker. Added water

WASHINGTON COUNTY

2-19-46 Raw Milk. J. W. Ballard. Passed
4-16-46 Raw Milk. J. W. Ballard. High bacteria
4-16-46 Raw Milk. R. C. Mays. Passed
2-19-46 Raw Milk. McMurtey & Collier. Passed
4-16-46 Raw Milk. McMurtey & Collier. High bacteria
2-19-46 Raw Milk. Nally, Sims & Wheatley. High bacteria
4-16-46 Raw Milk. Nally, Sims & Wheatley. High bacteria
2-19-46 Raw Milk. John C. Peterson. Passed
2-19-46 Raw Milk. St. Rose. High bacteria; below legal butter fat standard
4-16-46 Raw Milk. St. Rose. Below legal butter fat
3-12-46 Pasteurized. Seven Sons Dairy. High bacteria
4-16-46 Pasteurized. Seven Sons Dairy. High bacteria
4-16-46 Past. Grade C. Seven Sons Dairy. High bacteria

WHITLEY COUNTY

9-19-46 Raw Milk. J. N. Allen. High bacteria
8-26-46 Raw Milk. Francis Archer. High bacteria; added water; low butter fat
9-17-46 Raw Milk. Francis Archer. High bacteria
9-19-46 Raw Milk. Beech Grove. High bacteria
9-19-46 Raw Milk. Beech Grove. High bacteria
10-16-46 Raw Milk. Beechwood. High bacteria
10-16-46 Raw Milk. Beechwood. High bacteria
8-27-46 Raw Milk. Effie Blankenship. High bacteria; low butter fat
9-19-46 Raw Milk. Effie Blankenship. High bacteria
8-27-46 Raw Milk. Norris Bleck. High bacteria
9-19-46 Raw Milk. Norris Bleck. High bacteria
8-27-46 Raw Milk. Oliver Black. High bacteria
9-19-46 Raw Milk. Oliver Black. High bacteria

10-16-46 Raw Milk. Oliver Black. Passed
9-19-46 Raw Milk. J. L. Bowen. High bacteria
8-26-46 Raw Milk. W. B. Boyd. Passed
9-17-46 Raw Milk. N. B. Boyd. High bacteria
9-17-46 Raw Milk. Orville Brooks. High bacteria
9-19-46 Raw Milk. Arthur Bryant. High bacteria
9-19-46 Raw Milk. F. G. Burnett. High bacteria
8-26-46 Raw Milk. Walter Byble. High bacteria; added water; low in butter fat
8-26-46 Raw Milk. Walter Byble. High bacteria; added water; low in butter fat
9-17-46 Raw Milk. Walter Byble. High bacteria; added water
9-17-46 Raw Milk. Walter Byble. High bacteria; added water
8-26-46 Raw Milk. Rossie Byble. High bacteria
9-17-46 Raw Milk. Flossie Byble. High bacteria
8-27-46 Raw Milk. M. Chandler. Passed
9-19-46 Raw Milk. Chas. Cloyd. High bacteria
10-16-46 Raw Milk. Chas. Cloyd. High bacteria
8-26-46 Raw Milk. Dona Cole. High bacteria
9-17-46 Raw Milk. Lonia Cole. High bacteria
8-26-46 Pasteurized. Corbin Milk Co. High bacteria
8-27-46 Pasteurized. Corbin Milk Co. High bacteria; under-pasteurized
8-27-46 Pasteurized. Corbin Milk Co. High bacteria; under-pasteurized
8-27-46 Pasteurized. Corbin Milk Co. High bacteria; under-pasteurized
9-17-46 Pasteurized. Corbin Milk Co. Passed
9-17-46 Pasteurized. Corbin Milk Co. Passed
9-17-46 Pasteurized. Corbin Milk Co. Passed
9-17-46 Pasteurized. Corbin Milk Co. Passed
10-16-46 Pasteurized. Corbin Milk Co. High bacteria
10-16-46 Pasteurized. Corbin Milk Co. High bacteria
10-16-46 Pasteurized. Corbin Milk Co. High bacteria
8-26-46 Raw Milk. G. W. Craley. High bacteria
8-26-46 Raw Milk. E. W. Croley. High bacteria; added water

9-17-46 Raw Milk. G. W. Croley. High bacteria; added water
8-26-46 Raw Milk. Flo Davis. High bacteria
9-17-46 Raw Milk. Flo Davis. High bacteria
8-26-46 Raw Milk. Garrett Ellison. High bacteria
9-17-46 Raw Milk. Garrett Ellison. Passed
9-19-46 Raw Milk. Maynard Elza. High bacteria
10-16-46 Raw Milk. Maynard Elza. Passed
10-16-46 Raw Milk. W. Elza. Passed
8-29-46 Raw Milk. W Elza. Passed
9-19-46 Raw Milk. W. Elza. High bacteria
8-27-46 Raw Milk. Faris Bros. High bacteria; added water
8-27-46 Raw Milk. G. C. Faris. Added water
9-19-46 Raw Milk. G. C. Faris. High bacteria
10-16-46 Raw Milk. G. C. Faris. High bacteria
8-27-46 Raw Milk. P. O. Faris. Passed
9-19-46 Raw Milk. P. O. Faris. High bacteria
10-16-46 Raw Milk. P. O. Faris. Passed
8-29-46 Raw Milk. Kermit Faris. High bacteria; added water
9-19-46 Raw Milk. Kermit Faris. High bacteria
10-18-46 Raw Milk. Kermit Faris. High bacteria
9-19-46 Raw Milk. Joe Faris. Passed
10-16-46 Raw Milk. Joe Faris. Passed
8-26-46 Raw Milk. Laura Foley. High bacteria; below legal standard in butter fat
9-17-46 Raw Milk. Laura Foley. High bacteria
9-17-46 Raw Milk. Mathew Gibb, Jr. High bacteria
8-27-46 Raw Milk. Levi Gilbert. High bacteria; added water
9-19-46 Pasteurized. Gilreath Dairy. High bacteria
8-29-46 Raw Milk. Jack Gover. Passed
9-17-46 Raw Milk. Jack Gover. High bacteria; added water
10-18-46 Raw Milk. Jack Gover. High bacteria; added water
8-29-46 Raw Milk. J. D. Greer. Added water
10-18-46 Raw Milk. J. D. Greer. High bacteria
8-29-46 Raw Milk. Bryon Hampton. High bacteria
9-21-46 Raw Milk. Bryon Hampton. High bacteria
10-18-46 Raw Milk. Bryon Hampton. High bacteria; added water

8-26-46	Raw Milk.	Harkleroad. Added water; low in butter fat
9-19-46	Raw Milk.	A. K. Horkals. Passed
8-27-46	Raw Milk.	Ed. Helton. Added water
9-21-46	Raw Milk.	Ed. Helton. High bacteria
10-18-46	Raw Milk.	Ed. Helton. High bacteria
8-28-46	Raw Milk.	W. F. Huff. High bacteria
9-19-46	Raw Milk.	W. F. Huff. Passed
9-21-46	Raw Milk.	Geo. Jackson. High bacteria
8-27-46	Raw Milk.	Joe Jarris. Passed; added water
8-27-46	Raw Milk.	Russell Johnson. High bacteria; added water; below legal butter fat
9-19-46	Raw Milk.	Russell Johnson. High bacteria
8-29-46	Raw Milk.	E. R. Jones. Passed
9-21-46	Raw Milk.	E. R. Jones. High bacteria
10-18-46	Raw Milk.	E. R. Jones. High bacteria
8-27-46	Raw Milk.	J. A. Legear. High bacteria
9-17-46	Raw Milk.	J. A. Legear. High bacteria
8-27-46	Raw Milk.	Arnold Lewis. Added water
10-18-46	Raw Milk.	Arnold Lewis. High bacteria
9-19-46	Raw Milk.	Arnold Lewis. High bacteria
8-29-46	Raw Milk.	J. D. Lewis. High bacteria
9-19-46	Raw Milk.	J. D. Lewis. High bacteria; added water
10-18-46	Raw Milk.	J. D. Lewis. High bacteria
9-21-46	Raw Milk.	Lyndale. High bacteria; underpasteurized
9-21-46	Raw Milk.	Lyndale. High bacteria; underpasteurized
8-28-46	Raw Milk.	Pete Manning. High bacteria
9-19-46	Raw Milk.	Pete Manning. High bacteria; low butter fat
8-29-46	Raw Milk.	Dillard Mardis. High bacteria; added water
9-21-46	Raw Milk.	Dillard Mardis. High bacteria
10-18-46	Raw Milk.	Dillard Mardis. Passed
8-29-46	Raw Milk.	Clarence McDaniel. High bacteria
8-29-46	Raw Milk.	G. C. McDaniel. High bacteria
9-21-46	Raw Milk.	Clarence McDaniel. High bacteria
10-18-46	Raw Milk.	G. McDaniel. High bacteria
9-21-46	Raw Milk.	G. C. McDaniel. High bacteria

8-28-46 Raw Milk. O. M. McGlomery. High bacteria
9-19-46 Raw Milk. O. M. McGlomery. High bacteria
8-28-46 Raw Milk. Dan Miracle. High bacteria
9-19-46 Raw Milk. Dan Miracle. High bacteria
8-28-46 Raw Milk. Etta Mullins. High bacteria; low in butter fat
9-19-46 Raw Milk. Etta Mullins. High bacteria
8-27-46 Raw Milk. C. O. Parson. High bacteria
9-10-46 Raw Milk. C. O. Parson. High bacteria
10-16-46 Raw Milk. C. O. Parson. High bacteria
8-29-46 Raw Milk. Dewey Patton. High bacteria
9-19-46 Raw Milk. Dewey Patton. High bacteria
9-19-46 Raw Milk. Dewey Patton. High bacteria
10-18-46 Raw Milk. Dewey Patton. High bacteria
8-29-46 Raw Milk. Carlos Peters. High bacteria
9-21-46 Raw Milk. Carlos Peters. High bacteria
8-28-46 Raw Milk. R. W. Phelps. High bacteria
9-17-46 Raw Milk. R. W. Phelps. High bacteria
8-26-46 Raw Milk. J. W. Prewitt. High bacteria
9-19-46 Raw Milk. J. W. Prewitt. High bacteria
9-19-46 Raw Milk. J. W. Prewitt. High bacteria
8-27-46 Raw Milk. Albert Radford. High bacteria; low butter fat
9-19-46 Raw Milk. Albert Radford. High bacteria; added water
10-16-46 Raw Milk. Albert Radford. High bacteria
8-27-46 Raw Milk. Chester Reed. Passed
9-19-46 Raw Milk. Chester Reed. High bacteria
8-29-46 Raw Milk. Ellen Reed. High bacteria
9-19-46 Raw Milk. Ellen Reed. High bacteria
10-16-46 Raw Milk. Ellen Reed. High bacteria
8-26-46 Raw Milk. G. L. Rickett. High bacteria
9-17-46 Raw Milk. G. L. Rickett. High bacteria; low butter fat
8-27-46 Raw Milk. J. C. Robbins. Low in butter fat
9-19-46 Raw Milk. J. C. Robbins. High bacteria
10-16-46 Raw Milk. J. C. Robbins. Passed
8-27-46 Raw Milk. Earl Robinson. High bacteria
10-16-46 Raw Milk. Earl Robinson. Passed

9-19-46	Raw Milk.	Earl Robinson. High bacteria
8-28-46	Raw Milk.	Larry Root. High bacteria
9-17-46	Raw Mlik.	Larry Root. High bacteria
9-17-46	Raw Mlik.	Larry Root. High bacteria
8-26-46	Raw Milk.	P. W. Sharp. High bacteria; added water
9-17-46	Raw Milk.	P. W. Sharp. High bacteria; added water
8-26-46	Raw Milk.	Mack Siler. High bacteria
9-17-46	Raw Milk.	Mack Siler. High bacteria
8-27-46	Raw Milk.	John D. Smith. High bacteria
9-19-46	Raw Milk.	John D. Smith. High bacteria
10-16-46	Raw Milk.	John D. Smith. Passed
8-27-45	Raw Milk.	J. J. Sparks. High bacteria
9-19-46	Raw Milk.	J. J. Sparks. High bacteria
10-16-46	Raw Milk.	J. J. Sparks. High bacteria
8-27-46	Raw Milk.	Spring Lake Dairy. High bacteria
9-17-46	Raw Milk.	Spring Lake Farm. High bacteria
10-16-46	Raw Milk.	Spring Lake Farm. High bacteria
8-26-46	Raw Milk.	Bill Teague. High bacteria
9-17-46	Raw Milk.	Bill Teague. High bacteria
9-19-46	Raw Milk.	G. G. Teague. High bacteria
9-19-46	Raw Milk.	G. G. Teague. High bacteria
8-26-46	Raw Milk.	Walter Teague. High bacteria
9-17-46	Raw Milk.	Walter Teague. High bacteria
9-17-46	Raw Milk.	Green Tiptons. High bacteria
8-26-46	Raw Milk.	H. H. Trammell. High bacteria
9-17-46	Raw Milk.	H. H. Trammell. High bacteria
8-27-46	Raw Milk.	Greene Triplett. High bacteria
8-28-46	Raw Milk.	R. N. Ward. High bacteria
9-17-46	Raw Milk.	Babe Ward. High bacteria
8-27-46	Raw Milk.	F. Q. Ward. High bacteria
8-28-46	Raw Milk.	S. Watkins. High bacteria
8-27-46	Raw Milk.	Geo. Watkins. High bacteria
9-17-46	Raw Milk.	S. Watkins. High bacteria; low butter fat
9-17-46	Raw Milk.	Geo. Watkins. High bacteria
10-16-46	Raw Milk.	Geo. Watkins. Passed
8-26-46	Raw Milk.	Frank Wells. High bacteria
8-26-46	Raw Milk.	C. L. Wilson. Passed

9-17-46 Raw Milk. C. L. Wilson. High bacteria
8-26-46 Raw Milk. James Young. High bacteria
9-17-46 Raw Milk. James Young. High bacteria

BULLITT COUNTY

1- 9-46 Raw ungraded. D. L. Estridge. Passed
1- 9-46 Raw ungraded. Chester Hill. Passed
1- 9-46 Raw ungraded. James Hoagland. High bacteria
1- 9-46 Raw ungraded. Russell Jenkins. High bacteria
1- 9-46 Raw ungraded. Cleve Masden. Plate ruined
1- 9-46 Raw ungraded. Holloway Miller. High bacteria
1- 9-46 Raw ungraded. J. L. Thompson. Low in butter fat

CALDWELL COUNTY

2-27-46 Pasteurized Milk No. 3. Princeton Creamery. High bacteria
2-27-46 Pasteurized Milk No. 3. Princeton Creamery. High bacteria
2-27-46 Pasteurized Milk No. 2. Princeton Creamery. High bacteria
2-27-46 Pasteurized Milk No. 3. Princeton Creamery. Improperly pasteurized
2-27-46 Pasteurized Milk No. 3. Princeton Creamery. Improperly pasteurized
2-27-46 Pasteurized Milk No. 2. Princeton Creamery. Improperly pasteurized
2-27-46 Raw Milk No. 3. Princeton Creamery. High bacteria
2-27-46 Raw Milk No. 2. Princeton Creamery. High bacteria
2-27-46 Raw Milk No. 1. Princeton Creamery. High bacteria
2-27-46 Pasteurized Milk. Spoohs Golden Guernsey. High bacteria
2-27-46 Pasteurized Milk. Spoohs Golden Guernsey. Improperly pasteurized
2-27-46 Raw Grade A. J. D. Wylie. Passed

CALLOWAY COUNTY

6-25-46 Milk to be pasteurized. Ed. Bilbree Dairy. High bacteria
7-29-46 Milk to be pasteurized. Ed. Bilbree Dairy. High bacteria; sample not protected in transit.
10-15-46 Milk to be pasteurized. Ed Bilbree Dairy. High bacteria
11-19-46 Milk to be pasteurized. Ed. Bilbree Dairy. High bacteria
2-25-46 Grade A raw. W. H. Brooks Dairy. Watered; passed
4-15-46 Grade A raw. W. H. Brooks Dairy. Passed
6-25-46 Milk to be pasteurized. Brooks Dairy. Passed
7-29-46 Raw Milk. Brooks Dairy. High bacteria; sample not protected in transit
2-25-46 Milk to be pasteurized. College Farm. No count made
4-15-46 Milk to be pasteurized. College Farm. Passed
6-25-46 Milk to be pasteurized. College Farm. Passed
7-29-46 Raw Milk. College Farm. Passed; sample not protected in transit
10-15-46 Milk to be pasteurized. College Farm. Passed
11-19-46 Milk to be pasteurized. College Farm. Passed
2-25-46 Milk to be pasteurized. R. H. Crause. Passed
4-15-46 Milk to be pasteurized. R. H. Crause. Passed
6-25-46 Milk to be pasteurized. R. H. Crause. High bacteria
7-29-46 Raw Milk. Crause's Dairy. Passed; sample not protected in transit
10-15-46 Milk to be pasteurized. Crause's Dairy. Passed
11-19-46 Milk to be pasteurized. Crause's Dairy. Passed
2-25-46 Milk to be pasteurized. Tay Darnell. Passed
4-15-46 Milk to be pasteurized. Tay Darnell. High bacteria
6-25-46 Milk to be pasteurized. Tay Darnell. High bacteria
7-29-46 Raw Milk. Tay Darnell. High bacteria; sample not protected in transit
10-15-46 Milk to be pasteurized. Tay Darnell. Passed
11-19-46 Milk to be pasteurized. Tay Darnell. Passed
2-25-46 Milk to be pasteurized. H. G. Gingles. Passed
4-15-46 Milk to be pasteurized. H. G. Gingles. High bacteria

6-25-46 Milk to be pasteurized. H. G. Gingles. High bacteria
7-29-46 Raw Milk. H. G. Gingles. High bacteria; not protected in transit
10-15-46 Milk to be pasteurized. H. G. Gingles. Passed
11-19-46 Milk to be pasteurized. H. G. Gingles. Passed
2-25-46 Milk to be pasteurized. M. D. Harrison. Passed
4-15-46 Milk to be pasteurized. M. D. Harrison. High bacteria
6-25-46 Milk to be pasteurized. M. D. Harrison. Passed
7-29-46 Pasteurized Milk. M. D. Harrison. High bacteria; sample not protected in transit
10-15-46 Milk to be pasteurized. M. D. Harrison. High bacteria
11-19-46 Milk to be pasteurized. M. D. Harrison. Passed
2-25-46 Milk to be pasteurized. N. E. Harrison. Passed
4-15-46 Milk to be pasteurized. N. E. Harrison. Passed
6-25-46 Milk to be pasteurized. N. E. Harrison. Passed
7-29-46 Raw Milk. N. E. Harrison. Passed; sample not protected in transit
10-15-46 Milk to be pasteurized. N. E. Harrison. Passed
11-19-46 Milk to be pasteurized. N. E. Harrison. High bacteria
2-25-46 Milk to be pasteurized. F. C. Holland. High bacteria
4-15-46 Milk to be pasteurized. F. C. Holland. High bacteria
6-25-46 Milk to be pasteurized. F. C. Holland. High bacteria
7-29-46 Raw Milk. F. C. Holland. High bacteria; not protected in transit
10-15-46 Milk to be pasteurized. F. C. Holland. High bacteria
11-19-46 Milk to be pasteurized. F. C. Holland. High bacteria
4-15-46 Milk to be pasteurized. R. M. Mason. Passed
6-25-46 Milk to be pasteurized. R. M. Mason. Passed
7-29-46 Raw Milk. R. M. Mason. High bacteria; not protected in transit
10-15-46 Milk to be pasteurized. R. M. Mason. High bacteria
11-19-46 Milk to be pasteurized. R. M. Mason. Passed

10-15-46 Milk to be pasteurized. Payne and Brown. Passed
11-19-46 Milk to be pasteurized. Payne and Brown. Passed
2-25-46 Milk to be pasteurized. H. B. Rhodes. High bacteria
2-25-46 Milk to be pasteurized. E. B. Ross. Passed
4-15-46 Milk to be pasteurized. E. B. Ross. Passed
6-25-46 Milk to be pasteurized. E. B. Ross. Passed
7-29-46 Raw Milk. E. B. Ross. Samples not protected in transit
10-15-46 Milk to be pasteurized. E. B. Ross. Passed
11-19-46 Milk to be pasteurized. E. B. Ross. Passed
2-25-46 Ungraded pasteurized. Plant. High bacteria
4-15-46 Ungraded pasteurized. Plant. Improper pastaurization
10-15-46 Ungraded pasteurized. Plant. Passed
11-19-46 Ungraded pasteurized. Plant. Passed
2-25-46 Grade A pasteurized. Plant. Passed
4-15-46 Grade A pasteurized. Plant. High bacteria
6-25-46 Grade A pastuerized. Ryan Milk Co. Passed
7-29-46 Grade A pasteurized. Ryan Milk Co. Passed
10-15-46 Grade A pasteurized Sunburst. Ryan Milk Co. Passed
11-19-46 Grade A pasteurized. Ryan Milk Co. Passed
2-25-46 Milk to be pasteurized. G. B. Scott. Pased
4-15-46 Milk to be pasteurized. G. B. Scott. Passed
6-25-46 Milk to be pasteurized. G. B. Scott. Passed
7-29-46 Raw Milk. G. B. Scott. Sample not protected in transit
10-15-46 Milk to be pasteurized. G. B. Scott. High bacteria
11-19-46 Milk to be pasteurized. G. B. Scott. Passed
2-25-46 Milk to be pasteurized. O. S. Wall. High bacteria
4-15-46 Milk to be pasteurized. O. S. Wall. High bacteria
6-25-46 Milk to be pasteurized. O. S. Wall. High bacteria
7-29-46 Raw Milk. O. S. Wall. High bacteria; sample not protected in transit
11-19-46 Milk to be pasteurized. O. S. Wall. High bacteria
2-25-46 Milk to be pasteurized. Calvin Weather. Passed
4-15-46 Milk to be pasteurized. Calvin Weather. High bacteria
6-25-46 Milk to be pasteurized. Calvin Weather. Passed

7-29-46 Raw Milk. Calvin Weather. High bacteria; sample not protected in transit
10-15-46 Milk to be pasteurized. Calvin Weather. Passed
2-25-46 Milk to be pasteurized. Raymond Weather. High bacteria
4-15-46 Milk to be pasteurized. Raymond Weather. High bacteria
6-26-46 Milk to be pasteurized. Raymond Weather. High bacteria
7-29-46 Raw Milk. Raymond Weather. High bacteria; sample not protected in transit
10-15-46 Milk to be pasteurized. Raymond Weather. Passed
11-19-46 Milk to be pasteurized. Raymond Weather. Passed

EDMONSON COUNTY

6- 4-46 Raw Milk. Barlowe. High bacteria
8-13-46 Raw Milk. Barlowe. Passed
6- 4-46 Grade A pasteurized. Borders. High bacteria
8-14-46 Grade A pasteurized. Borders. Passed
11-12-46 Grade A pasteurized. Borders. Passed
9-17-45 Pasteurized Milk. Brown, Bowling Green. Passed
6- 4-46 Pasteurized Milk. Brown, Bowling Green. Passed
8-13-46 Pasteurized Milk, Grade A. Brown, Bowling Green. Passed
6- 4-46 Pasteurized Milk. Brown, Glasgow. Improper pasteurization; high bacteria
6- 4-46 Pasteurized Milk. Clark. Passed
8-13-46 Pasteurized Milk. Clark Dairy. Low butter fat.
8-13-46 Raw Milk. Clark. Passed
11-12-46 Grade A Pasteurized Milk. L. H. Clark. Passed
6- 4-46 Raw Milk. Hatler. Passed
8-13-46 Raw Milk. Hatler. High bacteria
11-12-46 Raw Milk. Hatler. High bacteria
8-13-46 Raw Milk. Kerley. Passed
8-13-46 Grade A pasteurized. Lee's Dairy. High bacteria
6- 4-46 Raw Milk. Moody. High bacteria
8-13-46 Raw Milk. LeRoy Moody. High bacteria
8-13-46 Raw Milk. Marvin Moody. High bacteria
11-12-46 Raw Milk. Moody. High bacteria

6- 4-46 Raw Milk. Spillman. High bacteria
8-13-46 Raw Milk. Spillman. High bacteria
11-12-46 Raw Milk. Spillman. High bacteria

FULTON COUNTY

9-25-46 Plant Shipper—Milk. Eugene Bordment. Passed
10- 9-46 Plant Shipper—Milk. Eugene Bordment. Passed
11-13-46 Raw Milk. Bonderant. Passed
10-22-46 Raw Milk. Bruce. High bacteria
11-13-46 Raw Milk. Bruce. High bacteria
12- 2-46 Raw Milk. Thos. Bruce. Passed
9-24-46 Plant—Milk. Dr. Buchant. High bacteria
9-23-46 Plant—Milk. Cecil Burnett. High bacteria
10- 9-46 Raw Milk. Cecil Burnett. High bacteria
10-22-46 Raw Milk. Cecil Burnett. Passed
11-13-46 Raw Milk. Cecil Burnett. Passed
12- 2-46 Raw Milk. Cecil Burnett. Passed
9-13-46 Plant—Milk. Clyde Burnett. Passed
10-22-46 Plant—Milk. Clyde Burnett. Passed
11-13-46 Raw Milk. Clyde Burnett. Passed
12- 2-46 Raw Milk. Clyde Burnett. Passed
4- 9-46 Grade A Milk. Drysdale. High bacteria
10- 8-46 Grade A Milk. Drysdale. High bacteria
12- 2-46 Raw Milk. Ellis & Huddleston. High bacteria
9-23-46 Plant—Milk. J. England. High bacteria
10- 9-46 Raw Milk. J. England. High bacteria
10-22-46 Raw Milk—plant shipper. J. England. High bacteria
11-13-46 Raw Milk. J. England. High bacteria
12- 2-46 Raw Milk. J. England. Passed
11-13-46 Raw Milk. Freeman. High bacteria
9-25-46 Pasteurized Grade A Cream. Fulton Pure Milk Co. Passed; improper pasturization
9-25-46 Chocolate Drink. Fulton Pure Milk Co. Passed
10-22-46 Raw Milk. Fulton Pure Milk Co. Passed
11-13-46 Raw Milk. Fulton Pure Milk Co. High bacteria
10- 8-46 Grade A pasteurized. Fulton Pure Milk Co. High bacteria
10-22-46 Grade A pasteurized. Fulton Pure Milk Co. Passed

11-13-46 Grade A pasteurized. Fulton Pure Milk Co. Passed
12- 2-46 Grade A pasteurized. Fulton Pure Milk Co. Passed
9-25-46 Pasteurized Milk. Fulton Pure Milk Co. High bacteria; improper pasteurization
10- 8-46 Ungraded—pasteurized. Fulton Pure Milk Co. Passed
10-22-46 Ungraded—pasteurized. Fulton Pure Milk Co.
11-13-46 Ungraded—pasteurized. Fulton Pure Milk Co. High bacteria
11-13-46 Raw Milk. Howell. High bacteria
12- 2-46 Raw Milk. Luby Howell. Passed
4- 9-46 Grade A raw. Houston Bros. Passed
4- 9-46 Grade A raw. H. B. Houston. High bacteria
10- 8-46 Raw Milk. H. B. Houston. High bacteria
4- 9-46 Grade A raw chocolate milk. Houston Bros. High bacteria
9-23-46 Plant—Milk. Huddleston. High bacteria
10- 9-46 Plant—Milk. Huddleston. Passed
10-22-46 Raw Milk. Huddleston. High bacteria
11-13-46 Raw Milk. Huddleston. Passed
12- 2-46 Raw Milk. H. B. Houston. High bacteria
4- 9-46 Pasteurized Milk. D. Johnson, agent, Fulton Pure Milk Co. Passed
9-25-46 Plant—Milk. D. Johnson. Passed
10- 9-46 Raw Milk. D. Johnson. Passed
10-22-46 Raw Milk. D. Johnson. High bacteria
11-13-46 Raw Milk—Buttermilk. D. Johnson. High bacteria
12- 2-46 Raw Milk—Chocolate Drink. D. Johnson. Passed
9-23-46 Plant—Milk. Wyatt Johnson. High bacteria
10-22-46 Plant Shipper—Raw Milk. Larbrough. High bacteria
10-22-46 Raw Milk—Buttermilk. Leet. High bacteria
11-13-46 Raw Milk—Buttermilk. O. Leet. Passed
10- 8-46 Grade A raw. Lottus. Passed
10- 9-46 Raw Milk. Milner. High bacteria
10-22-46 Raw Milk—plant shipper. Milner. High bacteria
11-13-46 Raw Milk. Milner. High bacteria
12- 2-46 Raw Milk. Milner. High bacteria
9-23-46 Plant—Raw. Roy Moss. High bacteria
10- 9-46 (Grade A past.) Raw. Roy Moss. Passed

10-22-46 (for Fulton) Raw. Roy Moss. High bacteria
11-13-46 (Pure Milk Co.) Raw. Roy Moss. High bacteria
12- 2-46 Raw. Roy Moss. Passed
9-26-46 Raw Milk. J. Olive. High bacteria
10-22-46 Raw Milk. Olive. High bacteria
10-22-46 Raw Milk. Olive. High bacteria
11-13-46 Raw Milk. Olive. High bacteria
12- 2-46 Raw Milk. J. Olive. Passed
4- 9-46 Grade A raw. Lee Reeves. Passed
10- 8-46 Grade A raw. Lee Reeves. Passed
9-24-46 Plant shipper—raw. Buster Shurk. High bacteria
10-22-46 Plant shipper—raw. Sloyden. High bacteria
11-13-46 Plant shipper—raw. Sloyden. Passed
12- 2-46 Plant shipper—raw. Sloyden. Passed
11-13-46 Raw Milk. H. Sams. High bacteria
12- 2-46 Raw Milk. H. Sams. High bacteria
12- 2-46 Raw Milk. Rue Spence. Passed
12- 2-46 Raw Milk. Paul Talley. High bacteria
4- 9-46 (Chocolate) Paul Talley. Low butter fat
10- 8-46 Grade A raw. Paul Talley. Passed
4- 9-46 Milk. Tom Talley. Passed
10- 8-46 Grade A raw. Tom Talley. Passed
9-25-46 Plant shipper. Louis Toner. High bacteria
9-23-46 Plant shipper. Leslie Walker. High bacteria
10- 9-46 Raw Milk. L. Walker. Passed
10-22-46 Raw Milk. L. Walker. High bacteria
11-13-46 Raw Milk. L. Walker. High bacteria
12- 2-46 Raw Milk. L. Walker. Passed

GRAVES COUNTY

1- 6-46 Pasteurized Grade A. Clover Leaf Dairy. Passed
1- 6-46 Pasteurized Milk. Clover Leaf Dairy. Passed
1- 6-46 Grade A Pasteurized. Truly Pure Dairy. Passed

GRAYSON COUNTY

4-24-46 Raw Milk. Basham. High bacteria
11-12-46 Raw Milk. Basham. High bacteria
11-12-46 Raw Milk. Birch. High bacteria
4-24-46 Raw Milk. Bratcher. Passed

11-12-46 Raw Milk. Bratcher. High bacteria
11-12-46 Raw Milk. Burns. Passed
4-24-46 Raw Milk. Carter. High bacteria
11-12-46 Raw Milk. Carter. Passed
4-24-46 Raw Milk. Emery. High bacteria
11-12-46 Raw Milk. Emery. Passed
4-24-46 Raw Milk. Hodge. Passed
11-12-46 Raw Milk. Hodge. High bacteria
4-24-46 Raw Milk. Johnson. Passed
4-24-46 Pasteurized Grade A. Lee. High bacteria
11-12-46 Pasteurized Grade A. Lee's Dairy. Passed
4-24-46 Raw Milk. Lee No. 1. High bacteria
4-24-46 Raw Milk. Lee No. 2. Passed
11-12-46 Raw Milk. Lee. Passed
4-24-46 Raw Milk. Nash. High bacteria
4-24-46 Raw Milk. Pryer. High bacteria
11-12-46 Raw Milk. Herman Pryer. High bacteria
11-12-46 Raw Milk. Homer Pryor. High bacteria

HARDIN COUNTY

10-29-46 Grade A Raw. Clark-Hagan. High bacteria
10-15-46 Grade A Past. Ewing-Von-Allmen. Passed
10-22-46 Grade A Past. Ewing-Von-Allmen. Passed
10- 8-46 Grade A Past. Fenley Dairy. High bacteria
10-15-46 Grade A Past. Fenley Dairy. High bacteria
10-22-46 Grade A Past. Fenley Dairy. Passed
10- 8-46 Grade A Past. Lee's Dairy. High bacteria
10-15-46 Grade A Past. Lee's Dairy. Passed
10-22-46 Grade A Past. Lee's Dairy. Passed
10-29-46 Grade A Past. Lee's Dairy. High bacteria
10- 8-46 Grade A Past. Model Farms Dairy. Passed
10-15-46 Grade A Past. Model Farms Dairy. Passed
10-22-46 Grade A Past. Model Farms Dairy. Passed
10- 8-46 Grade A Past. Parrish-Morgan Dairy. High bacteria*
10-15-46 Grade A Past. Parrish Dairy. Passed—improper past.
10- 8-46 Grade A Past. Parrish Dairy. Improper pasteurization*

10-22-46 Grade A Past. Parrish Dairy. Passed
10-29-46 Grade A Past. Parrish Dairy. High bacteria

HOPKINS COUNTY

3- 5-46 Plant Shipper. Roscoe Triplett-Clear View Dairy. High bacteria
3-19-46 Plant Shipper. Roscoe Triplett-Clear View Dairy. High bacteria
9- 3-46 Plant Shipper. Roscoe Triplett-Clear View Dairy. High bacteria
10-22-46 Plant Shipper. Roscoe Triplett-Clear View Dairy. Temperature too high
3- 5-46 Plant Shipper. Corum Farm. Passed
3-19-46 Plant Shipper. Corum Farm. Passed
3-19-46 Plant Shipper. Bill Day Dairy. High bacteria
9- 3-46 Plant Shipper. Bill Day Dairy. High bacteria
10-22-46 Plant Shipper. Bill Day Dairy. High bacteria
10-22-46 Plant Shipper. Paul Dexter. Temperature too high
3-19-46 Plant Shipper. East View Dairy-Tom Corum. Passed
9- 3-46 Plant Shipper. East View Dairy-Tom Corum. Passed
10-22-46 Plant Shipper. East View Dairy-Tom Corum. Temperature too high
3- 5-46 Plant Shipper. W. L. Higgerson. High bacteria
3-19-46 Plant Shipper. W. L. Higgerson. High bacteria
9- 3-46 Plant Shipper. W. L. Higgerson. High bacteria
10-22-46 Plant Shipper. W. L. Higgerson. Temperature too high
10-22-46 Past. Milk. Highland Dairy. Temperature too high
3- 5-46 Plant Shipper. Joe Justice. High bacteria
3-19-46 Plant Shipper. Joe Justice. High bacteria
9- 3-46 Plant Shipper. Joe Justice. Passed
10-22-46 Plant Shipper. Joe Justice. Temperature too high
3- 5-46 Grade A Raw. Keown Dairy. High bacteria
3-19-46 Grade A Raw. Keown Dairy. High bacteria
9- 3-46 Grade A Raw. Keown Dairy. Passed
10-22-46 Raw. Keown Dairy. Temperature too high
3-19-46 Grade A Raw. C. S. Lyons Dairy. High bacteria

9- 3-46 Raw. C. S. Lyons Dairy. High bacteria
10-22-46 Raw. C. S. Lyons Dairy. Temperature too high
3-19-46 Plant Shipper. Shamrock No. 2. High bacteria
9- 3-46 Plant Shipper. Shamrock No. 2. High bacteria
9- 3-46 Plant Shipper. Shamrock Otto Corum. High bacteria
10-22-46 Plant Shipper. Shamrock Richard. Temperature too high
10-22-46 Plant Shipper. Shamrock Otto Corum. Temperature too high
3- 5-46 Plant Shipper. Richard Smith. Passed
3- 5-46 Plant Shipper. J. A. Stearsman. Overgrowth of mold.
3-19-46 Plant Shipper. J. A. Stearsman. Passed
9- 3-46 Plant Shipper. J. A. Stearsman. High bacteria
10- 2-46 Plant Shipper. J. A. Stearsman. Temperature too high
9- 3-46 Plant Shipper. Bradley Stone. Passed
10-22-46 Plant Shipper. Bradley Stone. Temp. too high
3- 5-46 Grade A Pasteurized. U. C. Milk Co. Passed
3-19-46 Grade A Pasteurized. U. C. Milk Co. Passed
9- 3-46 Grade A Pasteurized. U. C. Milk Co. High bacteria
10-22-46 Grade A Pasteurized. U. C. Milk Co. Temp. too high, low butter fat
3-19-46 Plant Shipper. D. L. Utterback. High bacteria
9- 3-46 Plant Shipper. D. L. Utterback. High bacteria
3- 5-46 Grade A Milk. Walnut Grove Dairy. High bacteria
3-19-46 Grade A Raw. Walnut Grove Dairy. High bacteria
9- 3-46 Grade A Raw. Walnut Grove Dairy. High bacteria
10-22-46 Raw. Walnut Grove Dairy. Temp. too high

LYON COUNTY

2-28-46 Raw Milk. Hester's Dairy. Passed—low butter fat
4-11-46 Raw Milk. Hester's Dairy. Passed
6- 5-46 Raw Milk. Hester's Dairy. Passed
7- 2-46 Raw Milk. Hester's Dairy. Temp. too high
6- 5-46 Raw Milk. Jenkin's Dairy. High bacteria
7- 2-46 Raw Milk. Jenkin's Dairy. Temp. too high
9-18-46 Raw Milk. Oliver & Smith Dairy. High bacteria

11-20-46 Raw Milk. Oliver & Smith Dairy. Passed
9-18-46 Raw Milk. Jenkin's Dairy. Passed
11-20-46 Raw Milk. Jenkin's Dairy. High bacteria
2-28-46 Raw Milk. Oliver's Dairy. Passed
4-11-46 Raw Milk. Oliver's Dairy. Passed
6- 5-46 Raw Milk. Oliver's Dairy. Passed
7- 2-46 Raw Milk. Oliver's Dairy. Temp. too high
9-18-46 Raw Milk. Oliver's Dairy. Passed
11-20-46 Raw Milk. Oliver's Dairy. Passed
6- 5-46 Raw Milk. Smith's Dairy. Passed

McCracken County

1-29-46 Raw Milk to be Past. A. D. Bearden. No adulterants
1-29-46 Raw Milk to be Past. A. D. Bearden. No adulterants
1-29-46 Raw Milk to be Past. Carl Cooper. No adulterants
1- 8-46 Grade A Past. Dexter. High bacteria
1-18-46 Grade A Past. Dexter Dairy. Watered
1-18-46 Grade A Past. Dexter Dairy. Watered
2-12-46 Grade A Past. Dexter Dairy. High bacteria
1-29-46 Raw Milk to be Past. Graham Harris. Watered
2-12-46 Raw Milk to be Past. Graham Harris. High bacteria
1- 8-46 Grade A Pasteurized. Millers. High bacteria
2-14-46 Grade A Pasteurized. Millers. High pasteurization
1-29-46 Raw Milk to be Past. G. H. Stegar. No adulterants
1-29-46 Raw Milk to be Past. Bill Tucker. No adulterants
1-29-46 Raw Milk to be Past. W. B. Ward. No adulterants

Marshall County

8-24-46 Grade C Raw Milk. Vaughan Dairy. Passed
3-12-46 Grade A Raw Milk. Darnall Dairy. Too warm to run count
7- 9-46 Grade A Raw Milk. Jack Darnall. Passed
8-13-46 Grade A Raw Milk. Darnall Dairy. Passed
9-24-46 Grade A Raw Milk. Darnall Dairy. Passed
11-19-46 Grade A Raw Milk. Darnall Dairy. Passed
1- 8-46 Grade A Past. Mayfield Dairies. Passed
3-12-46 Grade A Past. Mayfield Dairies. Too warm to run count
7- 9-46 Grade A Past. Mayfield Dairies. High bacteria

8-13-46 Grade A Past. Mayfield Dairies. High bacteria
9-24-46 Grade A Past. Mayfield Dairies. High bacteria
11-19-46 Grade A Past. Mayfield Dairies. Passed
1- 8-46 Grade A Past. (homogenized). Midwest Dairy Prs. High bacteria
2-12-46 Grade A Past. (Coldbloom) Goldbloom. Passed
2-12-46 Grade A Past. Goldbloom. High bacteria
3-13-46 Grade A Past. (Coldbloom) Midwest. Too warm to run count
7- 9-46 Grade A Past. (Coldbloom) Midwest Dairy. Passed —improperly pasteurized
6-13-46 Grade A Past. Midwest Dairy. High bacteria
8-24-46 Grade A Past. (Coldbloom) Midwest Dairy. Passed
9-24-46 Grade A Pasteurized. Midwest Dairy. Passed
11-19-46 Grade A Past. (Coldbloom) Midwest Dairy. High bacteria
11-19-46 Grade A Past. (Coldbloom). Midwest Dairy. High bacteria
7-19-46 Grade C Raw Milk. Ralph Vaughn. High bacteria
11-19-46 Grade C Raw Milk. Ralph Vaughn. Passed

METCALFE COUNTY

10-22-46 Ungraded Raw Milk. Earl High. Temp. too high
10-22-46 Ungraded Raw Milk. Howard Martin. Temp. too high
10-22-46 Ungraded Raw Milk. Finley Profitt. Temp. too high
10-22-46 Ungraded Raw Milk. Tom Reid. Temp. too high
10-22-46 Ungraded Raw Milk. Oscar Sims. Temp. too high

NELSON COUNTY

1-16-46 Raw Milk Plant Shipper. Roy Barnes. High bacteria—watered
2-26-46 Raw Milk Plant Shipper. Roy Barnes. High bacteria
3-26-46 Raw Milk Plant Shipper. Roy Barnes. High bacteria
1-16-46 Raw Milk Plant Shipper. T. R. Beam. High bacteria
2-26-46 Raw Milk Plant Shipper. T. R. Beam. High bacteria
3-26-46 Raw Milk Plant Shipper. T. R. Meam. High bacteria
4-15-46 Raw Milk Plant Shipper. T. R. Beam. High bacteria

4-15-46 Raw Milk Plant Shipper. T. R. Beam. No adulterterants.
4-15-46 Raw Milk. T. R. Beam. No adulterants
4-15-46 Raw Milk. T. R. Beam. No adulterants
6- 4-46 Raw Milk Plant Shipper. T. R. Beam. High bacteria
6- 4-46 Raw Milk Plant Shipper. T. R. Beam. High bacteria
7-31-46 Raw Milk Plant Shipper. T. R. Beam. Passed
8-29-46 Raw Milk Plant Shipper. T. R. Beam. High bacteria
10-23-46 Raw Milk Plant Shipper. T. R. Beam. High bacteria
11-25-46 Raw Milk Plant Shipper. T. R. Beam. High bacteria
12- 9-46 Raw Milk Plant Shipper. T. R. Beam. High bacteria
1-16-46 Raw Milk Plant Shipper. Nancy Bright. Passed
2-26-46 Raw Milk Plant Shipper. Nancy Bright. Suspicion of watering
3-26-46 Raw Milk Plant Shipper. Nancy Bright. Passed
4-15-46 Raw Milk Plant Shipper. Nancy Bright. Passed
4-15-46 Raw Milk Plant Shipper. Nancy Bright. No adulterants
4-15-46 Raw Milk Plant Shipper. Nancy Bright. No adulterants
1-16-46 Raw Milk Plant Shipper. Vaughn and Brown. Passed
2-26-46 Raw Milk Plant Shipper. Vaughn and Brown. High bacteria—watered
3-26-46 Raw Milk Plant Shipper. Brown and Vaughn. Passed
4-15-46 Raw Milk Plant Shipper. Brown and Vaughn. Passed
4-15-46 Raw Milk Plant Shipper. Brown and Vaughn. No adulterants
4-15-46 Raw Milk Plant Shipper. Brown and Vaughn. No adulterants

4-15-46 Raw Milk Plant Shipper. Brown and Vaughn. No adulterants
4-15-46 Raw Milk Plant Shipper. Brown and Vaughn. No adulterants
4-15-46 Raw Milk Plant Shipper. Brown and Vaughn. No adulterants
4-15-46 Raw Milk Plant Shipper. Brown and Vaughn. No adulterants
4-15-46 Raw Milk Plant Shipper. Brown and Vaughn. No adulterants
4-15-46 Raw Milk Plant Shipper. Brown and Vaughn. No adulterants
4-15-46 Raw Milk Plant Shipper. Brown and Vaughn. No adulterants
2-26-46 Raw Milk Plant Shipper. Joe Corbett. Passed
4-15-46 Raw Milk Plant Shipper. Joe Corbett. High bacteria
7-31-46 Raw Milk Plant Shipper. Joe Corbett. High bacteria
8-29-46 Raw Milk Plant Shipper. Joe Corbett. High bacteria
10-23-46 Raw Milk Plant Shipper. Joe Corbett. High bacteria
10-23-46 Raw Milk Plant Shipper. Joe Corbett. Passed
11-25-46 Raw Milk Plant Shipper. Joe Corbett. High bacteria
12- 9-46 Raw Milk Plant Shipper. Joe Corbett. High bacteria
1-16-46 Raw Milk Plant Shipper. Levi Cornish. High bacteria
1-16-46 Raw Milk Plant Shipper. Demaree & Love. Passed
2-26-46 Raw Milk Plant Shipper. Demaree & Love. Passed
3-26-46 Raw Milk Plant Shipper. Demaree & Love. Passed
4-15-46 Raw Milk Plant Shipper. Demaree & Love. Passed
4-15-46 Raw Milk Plant Shipper. Demaree & Love. No adulterants
4-15-46 Raw Milk Plant Shipper. Demaree & Love. No adulterants
4-15-46 Raw Milk Plant Shipper. Demaree & Love. No adulterants
6- 4-46 Raw Milk Plant Shipper. Demaree & Love. Passed
7-31-46 Raw Milk Plant Shipper. Demaree & Love. High bacteria
8-29-46 Raw Milk Plant Shipper. Demaree & Love. High bacteria

1-16-46 Raw Milk Plant Shipper. Louis Downs. Passed
2-26-46 Raw Milk Plant Shipper. Louis Downs. Passed
3-26-46 Raw Milk Plant Shipper. Louis Downs. Passed
4-15-46 Raw Milk Plant Shipper. Louis Downs. Passed
4-15-46 Raw Milk Plant Shipper. Louis Downs. No adulterants
4-15-46 Raw Milk Plant Shipper. Louis Downs. No adulterants
6- 4-46 Raw Milk Plant Shipper. Louis Downs. High bacteria
7-31-46 Raw Milk Plant Shipper. Louis Downs. Passed
8-29-46 Raw Milk Plant Shipper. Louis Downs. High bacteria
10-23-46 Raw Milk Plant Shipper. Louis Downs. Passed
11-25-46 Raw Milk Plant Shipper. Louis Downs. Passed
12- 9-46 Raw Milk Plant Shipper. Louis Downs. Passed
1-16-46 Past. Milk Ungraded. Elm Grove Dairy. Passed
1-16-46 Raw Milk Grade A. Elm Grove Dairy. Passed
2-26-46 Raw Milk Grade A. Elm Grove Dairy. Passed
2-26-46 Past. Milk Ungraded. Elm Grove Dairy. Passed
3-36-46 Past. Milk Ungraded. Elm Grove Dairy. High bacteria
4-15-46 Past. Milk Ungraded. Elm Grove Dairy. High bacteria
1-16-46 Raw Milk Plant Shipper. Henry Ferrell. Passed
2-26-46 Raw Milk Plant Shipper. Henry Ferrell. High bacteria
2-26-46 Raw Milk Plant Shipper. Foster and Hardin. Passed
3-26-46 Raw Milk Plant Shipper. Foster and Hardin. Passed
6- 4-46 Raw Milk Plant Shipper. Foster and Hardin. Passed
7-31-46 Raw Milk Plant Shipper. Foster and Hardin. Passed
8-29-46 Raw Milk Plant Shipper. Foster and Hardin. High bacteria
10-23-46 Raw Milk Plant Shipper. Foster and Hardin. Passed

11-25-46 Raw Milk Plant Shipper. Foster and Hardin. High bacteria
12- 9-46 Raw Milk Plant Shipper. Foster and Hardin. High bacteria
2-26-46 Raw Milk Plant Shipper. Robt. Gowin. Passed
3-26-46 Raw Milk Plant Shipper. Robt. Gowin. Passed
4-15-46 Raw Milk Plant Shipper. Robt. Gowin. Passed.
4-15-46 Raw Milk Plant Shipper. Robt. Gowin. No adulterterants
4-15-46 Raw Milk Plant Shipper. Robt. Gowin. No adulterterants
4-15-46 Raw Milk Plant Shipper. Robt. Gowin. No adulterterants
6- 4-46 Raw Milk Plant Shipper. Robt. Gowin. Passed
7-31-46 Raw Milk Plant Shipper. Robt. Gowin. Passed
8-29-46 Raw Milk Plant Shipper. Robt. Gowin. Passed
10-23-46 Raw Milk Plant Shipper. Robt. Gowin. Passed
1-16-46 Raw Milk Plant Shipper. Guthrie & Coomes. Passed
2-26-46 Raw Milk Plant Shipper. Guthrie & Coomes. Passed
3-26-46 Raw Milk Plant Shipper. Guthrie & Coomes. High bacteria
4-15-46 Raw Milk Plant Shipper. Guthrie & McKay. Passed
4-15-46 Raw Milk Plant Shipper. Guthrie & McKay. No adulterants
4-15-46 Raw Milk Plant Shipper. Guthrie & McKay. No adulterants
4-15-46 Raw Milk Plant Shipper. Guthrie & McKay. No adulterants
4-15-46 Raw Milk Plant Shipper. Guthrie & McKay. No adulterants
4-15-46 Raw Milk Plant Shipper. Guthrie & McKay. No adulterants
6- 4-46 Raw Milk Plant Shipper. Guthrie & McKay. High bacteria
7-31-46 Raw Milk Plant Shipper. Guthrie & McKay. High bacteria
8-29-46 Raw Milk Plant Shipper. Guthrie & McKay. Passed
10-23-46 Raw Milk Plant Shipper. Guthrie & McGay. High bacteria

11-25-46 Raw Milk Plant Shipper. Guthrie & McKay. High bacteria
12- 9-46 Raw Milk Plant Shipper. Guthrie & McKay. High bacteria
1-16-46 Pasteurized Milk, A. H & J Dairies. Passed
3-26-46 Pasteurized Milk, A. H. & J. Dairies. Improper past.
4-15-46 Pasteurized Milk, A. H. & J. Dairies. Improper past.
6- 4-46 Pasteurized Milk, A. H. & J. Dairies. High bacteria
6- 4-46 Pasteurized Milk, A. H. & J. Dairies. High bacteria
8-29-46 Pasteurized Milk, A. H. & J. Dairies. Passed
10-23-46 Pasteurized Milk, A. H. & J. Dairies. Passed
11-25-46 Pasteurized Milk, A. H. & J. Dairies. Passed
12- 9-46 Pasteurized Milk, A. H. & J. Dairies. Passed
3-26-46 Ungraded Past. Cream. H. & J. Dairies. Passed
11-25-46 Ungraded Past. Cream. H. & J. Dairies. High bacteria
12- 9-46 Ungraded Past. Cream. H. & J. Dairies. Passed
8-29-46 Past. Buttermilk. H. & J. Dairies. Low in butter fat
1- 16-46 Raw Milk Plant Shipper. Hagan Dairy. High bacteria.
2-26-46 Raw Milk Plant Shipper. Hagan Dairy. High bacteria.
4-15-46 Raw Milk Plant Shipper. Hagan Dairy. Passed
6- 4-46 Raw Milk Plant Shipper. Hagan Dairy. Passed
7-31-46 Raw Milk Plant Shipper. Hagan Dairy. Passed
8-29-46 Raw Milk Plant Shipper. Hagan Dairy. Passed
10-23-46 Raw Milk Plant Shipper. Hagan Dairy. Passed
11-25-46 Raw Milk Plant Shipper. Hagan Dairy. High bacteria
12- 9-46 Raw Milk Plant Shipper. Hagan Dairy. Passed
1-16-46 Raw Milk Plant Shipper. Hager, Watts & Grove. High bacteria
2-26-46 Raw Milk Plant Shipper. Hager, Watts & Crowe. Passed
3-26-46 Raw Milk Plant Shipper. Hager, Watts & Crowe. High bacteria

4-15-46 Raw Milk Plant Shipper. Hager, Watts & Crowe. High bacteria
4-15-46 Raw Milk to be Pasteurized. Hager, Watts & Crowe. No adulterants
4-15-46 Raw Milk to be Pasteurized. Hager, Watts & Crowe. No adulterants
4-15-46 Raw Milk to be Pasteurized. Hager, Watts & Crowe. No adulterants
4-15-46 Raw Milk to be Pasteurized. Hager, Watts & Crowe. No adulterants
10-23-46 Raw Milk to be Pasteurized. C. F. Houck. Passed
11-24-46 Raw Milk to be Pasteurized. C. F. Houck. High bacteria
12- 9-46 Raw Milk to be Pasteurized. H. C. Houck. High bacteria
1-16-46 Raw Milk to be Pasteurized. Jones Dairy. Passed
6- 4-46 Raw Milk to be Pasteurized. Jones Dairy. Passed
7-31-46 Raw Milk to be Pasteurized. Jones Dairy. Passed
8-29-46 Raw Milk to be Pasteurized. Jones Dairy. Passed
10-23-46 Raw Milk to be Pasteurized. Jones Dairy. High bacteria
11-25-46 Raw Milk to be Pasteurized. Jones Dairy. High bacteria
12- 9-46 Raw Milk to be Pasteurized. Jones Dairy. High bacteria
6- 4-46 Raw Milk to be Pasteurized. J. M. Kurtz. Passed
7-31-46 Raw Milk to be Pasteurized. M. L. Kurtz. Passed
8-29-46 Raw Milk to be Pasteurized. Merrill Kurtz. Passed
10-23-46 Raw Milk to be Pasteurized. M. L. Kurtz. High bacteria
11-25-46 Raw Milk to be Pasteurized. M. Kurtz. High bacteria
10-23-46 Raw Milk to be Pasteurized. Wallace Morrow. Passed
11-25-46 Raw Milk to be Pasteurized. Wallace Morrow. High bacteria
10-23-46 Raw Milk to be Pasteurized. Rodman Sales. Passed
11-25-46 Raw Milk to be Pasteurized. Robt. Sales. Passed
12- 9-46 Raw Milk to be Pasteurized. Rodman Sales. Passed

7-31-46 Raw Milk. No. 1. Passed (butter fat)
7-31-46 Raw Milk. No. 2. Passed (butter fat)
7-31-46 Raw Milk. No. 96. Passed (butter fat)
7-31-46 Raw Milk. No. 6. Passed (butter fat)
7-31-46 Raw Milk. No. 9. Passed (butter fat)

SHELBY COUNTY

1-15-46 Raw Milk to be Past. Lindsey Batts. High bacteria
1-30-46 Raw Milk to be Past. Lindsey Batts. High bacteria
2-13-46 Raw Milk to be Past. Lindsey Batts. High bacteria
3-13-46 Raw Milk to be Past. Lindsey Batts. High bacteria
4- 9-46 Raw Milk to be Past. Lindsey Batts. High bacteria
7-15-46 Raw Milk to be Past. Lindsey Batts. No adulterants
9- 4-46 Raw Milk to be Past. Lindsey Batts. High bacteria
10- 7-46 Raw Milk to be Past. Lindsey Batts. Passed
12- 9-46 Raw Milk to be Past. Lindsey Batts. Passed
12- 9-46 Raw Milk to be Past. Bergen Dairy. High bacteria
1-15-46 Raw Cream. Birds Jersey Dairy. Passed
2-13-46 Raw Cream. Birds Jersey Dairy. Passed
3-13-46 Raw Cream. Birds Jersey Dairy. Passed
7-15-46 Raw Cream. Birds Jersey Dairy. High bacteria
8-15-46 Raw Cream. Birds Jersey Dairy. Passed
9- 4-46 Raw Cream. Birds Jersey Dairy. Passed
10- 7-46 Raw Cream. Birds Jersey Dairy. Passed
12- 9-46 Raw Cream. Birds Jersey Dairy. Passed
1-15-46 Grade A Raw Milk. Birds Jersey Dairy. Passed
1-30-46 Grade A Raw Milk. Birds Jersey Dairy. Passed
2-13-46 Grade A Raw Milk. Birds Jersey Dairy. Passed
3-13-46 Grade A Raw Milk. Birds Jerstey Dairy. Passed
4- 2-46 Grade A Raw Milk. Birds Jersey Dairy. Passed
8-15-46 Grade A Raw Milk. Birds Jersey Dairy. Passed
9- 3-46 Grade A Raw Milk. Birds Jersey Dairy. Passed
10- 7-46 Grade A Raw Molk. Birds Jersey Dairy. Passed
12- 9-46 Grade A Raw Milk. Birds Jersey Dairy. Passed
1- 8-46 Raw Milk. Walter Cox. High bacteria
1-30-46 Raw Milk. Walter Cok. Adulterants
9- 3-46 Raw Milk. Fullenwider & Adams. High bacteria
12- 9-46 Raw Milk. Fullenwider Dairy. Passed
10- 7-46 Raw Milk. Gaddis Dairy. High bacteria

1-30-46 Raw Milk. Green's Dairy. Passed
9- 3-46 Past Coffee Cream. Green's Dairy. High bacteria
10- 7-46 Past. Coffee Cream. Green's Dairy. High bacteria
1- 8-46 Past. Grade A Milk. Green's Dairy. High bacteria
1-15-46 Past. Grade A Milk. Green's Dairy. High bacteria
1-30-46 Past. Grade A Milk. Green's Dairy. Passed
2-13-46 Past. Grade A Milk. Green's Dairy. Improperly past.
3-13-46 Past. Grade A Milk. Green's Dairy. Improperly past.
4- 2-46 Past. Grade A Milk. Green's Dairy. Passed
7-15-46 Past. Grade A Milk. Green's Dairy. High bacteria
8-15-46 Past. Grade A Milk. Green's Dairy. High bacteria
9- 3-46 Past. Grade A Milk. Green's Dairy. High bacteria
10- 7-46 Past. Grade A Milk. Green's Dairy. High bacteria
12- 9-46 Past. Grade A Milk. Green's Dairy. Passed
1- 8-46 Past. Dbl. Cream Grade A. Green's Dairy. High bacteria
2-13-46 Past. Dbl. Cream Grade A. Green's Dairy. High bacteria
3-13-46 Past. Dbl. Cream Grade A. Green's Dairy. Improper past.—high basteria
4- 2-46 Past. Dbl. Cream Grade A. Green's Dairy. High bacteria
4- 3-46 Past. Dbl. Cream Grade A. Green's Dairy. High bacteria—improper pasteurization
5- 1-46 Past. Dbl. Cream Grade A. Green's Dairy. Improper past.—high bacteria
7-15-46 Past. Dbl. Cream Grade A. Green's Dairy. High bacteria
8-15-46 Past. Dbl. Cream Grade A. Green's Dairy. High bacteria
12- 9-46 Past. Dbl. Cream Grade A. Green's Dairy. Passed
1-15-46 Raw Milk to be Pasteurized. Sol Hopkins. Passed
1-30-46 Raw Milk to be Pasteurized. Sol Hopkins. Passed
2-13-46 Raw Milk to be Pasteurized. Sol Hopkins. High bacteria
3-13-46 Raw Milk to be Pasteurized. Sol Hopkins. High bacteria

1-15-46 Raw Milk to be Pasteurized. Wm. Hopkins. High bacteria
1-30-46 Raw Milk to be Pasteurized. Wm. Hopkins. Passed
2-13-46 Raw Milk to be Pasteurized. Wm. Hopkins. High bacteria
3-13-46 Raw Milk to be Pasteurized. Wm. Hopkins. High bacteria
3-13-46 Raw Milk to be Pasteurized. Wm. Hopkins. High bacteria
9- 3-46 Raw Milk. Leathers Dairy. Passed
10- 7-46 Raw Milk. Leathers Dairy. High bacteria
1-30-46 Raw Milk. Maple Grove. High bacteria
9- 3-46 Pasteurized Cream. Maple Grove. High bacteria
10- 7-46 Pasteurized Cream. Maple Grove. Passed
1- 8-46 Pasteurized Milk (Grade A). Maple Grove. Improperly pasteurized—high bacteria
1-15-46 Pasteurized Milk (Grade A). Maple Grove. Passed
1-30-46 Pasteurized Milk (Grade A). Maple Grove. Passed
2-13-46 Pasteurized Milk (Grade A). Maple Grove. Passed
3-13-46 Pasteurized Milk (Grade A). Maple Grove. Passed
4- 2-46 Pasteurized Milk (Grade A). Maple Grove. High bacteria
4- 9-46 Pasteurized Milk (Grade A). Maple Grove. Improperly pasteurized
7-15-46 Pasteurized Milk (Grade A). Maple Grove. Passed
8-15-46 Pasteurized Milk (Grade A). Maple Grove. Passed
9- 3-46 Pasteurized Milk (Grade A). Maple Grove. Passed
10- 7-46 Pasteurized Milk (Grade A). Maple Grove. Passed
12- 9-46 Pasteurized Milk (Grade A). Maple Grove. Passed
1- 8-46 Past. Grade A Whpg. Cream. Maple Grove. High bacteria
1-15-46 Past. Grade A Whpg. Cream. Maple Grove. Passed
2-13-46 Past. Grade A. Whpg. Cream. Maple Grove. Passed
3-13-46 Past. Grade A Whpg. Cream. Maple Grove. Improperly pasteurized, high bacteria
4- 2-46 Past. Grade A Whpg. Cream. Maple Grove. High bacteria
4- 9-46 Past. Grade A Whpg. Cream. Maple Grove. High bacteria

5- 1-46 Past. Grade A Whpg. Cream. Maple Grove. No pasteurization
8-15-46 Past. Grade A Whpg. Cream. Maple Grove. Below legal butter fat
12- 9-46 Past. Grade A Whpg. Cream. Maple Grove. Below
1-30-46 Raw Milk Grade C. H. T. McGinnis. Passed
10- 7-46 Raw Milk Grade C. H. T. McGinnis. High bacteria
1- 8-46 Raw Milk. Woodrow Mitchell. High bacteria
1-30-46 Raw Milk. Woodrow Mitchell. Passed
2-13-46 Raw Milk. Woodrow Mitchell. Passed
3- 3-46 Raw Milk. Woodrow Mitchell. Passed
4- 2-46 Raw Milk. Woodrow Mitchell. Passed
9- 3-46 Raw Milk. Woodrow Mitchell. High bacteria
10- 7-46 Raw Milk. Woodrow Mitchell. Passed
1- 8-46 Raw Milk. W. A. Ruh. High bacteria
1-30-46 Raw Milk. W. A. Ruh. High bacteria
2-13-46 Raw Milk. W. A. Ruh. Passed
3-13-46 Raw Milk. W. A. Ruh. Passed
4- 2-46 Raw Milk. W. A. Ruh. Passed
1- 3-46 Raw Milk. Satterly Dairy. High bacteria
1-30-46 Raw Milk. Satterly Dairy. High bacteria
2-13-46 Raw Milk. Satterly Dairy. Passed
3-13-46 Raw Milk. Satterly Dairy. High bacteria
4- 2-46 Raw Milk. Satterly Dairy. High bacteria
9- 3-46 Raw Milk. Satterly Dairy. High bacteria
10- 7-46 Raw Milk. Satterly Dairy. High bacteria
1-29-46 Grade A Past. Yoccum's Dairy. High bacteria
1- 8-46 Grade A Past. Zahender Bros. High bacteria

SPENCER COUNTY

1- 7-46 Raw Ungraded—Shipper. J. D. Brown. High bacteria
9- 3-46 Raw Ungraded. J. D. Brown. Passed
9- 3-46 Raw Ungraded. J. D. Brown. Passed
9- 3-46 Past. Milk. Frosty Food Center. High bacteria
1- 7-46 Raw Ungraded. Scot McClain. Passed
9- 3-46 Raw Milk. McClain & Gray. High bacteria
9- 3-46 Raw Milk. McClain & Gray. High bacteria
1- 7-46 Pasteurized Milk. Jackie Miller. Passed

TRIGG COUNTY

2-28-46	Raw Milk. Audas Dairy. Passed
4-11-46	Raw Milk. Audas Dairy. High bacteria
6- 5-46	Raw Milk. Augas Dairy. High bacteria
7- 2-46	Raw Milk. Audas Dairy. Temperature too high for plate count
9-18-46	Raw Milk. Audas Dairy. High bacteria
11-20-46	Raw Milk. Audas Dairy. High bacteria
3- 1 46	Raw Milk. Ladd's Dairy. Passed
4-11-46	Raw Milk. Ladd's Dairy. Passed
6- 5-46	Raw Milk. Ladd's Dairy. Passed
7- 2-46	Raw Milk. Ladd's Dairy. Temp. too high for plate count
9-18-46	Raw Milk. Ladd's Dairy. High bacteria
11-20-46	Raw Milk. Ladd's Dairy. Passed

WARREN COUNTY

7-20-46	Raw Milk. Beech Bend Dairy. High bacteria
7-30-46	Raw Milk to be Past. Border's Dairy. High bacteria
9- 9-46	Past. Milk. Border's Dairy. Passed
7-31-46	Empty Bottle. Border's Dairy. Passed
9- 9-46	Pasteurized Milk. Brown's Dairy. Passed
7-30-46	Milk to be Past. Cloverland Dairy. Passed
7-30-46	Raw Milk. Cooke's Dairy. High bacteria
9- 9-46	Raw Milk. Cooke and Hunt. Passed
9- 9-46	Past. Milk. Elm Grove Dairy. Passed.
7-30-46	Milk to be Past. English's Dairy. High bacteria
7-20-46	Milk to be Past. B. H. Gorrell. Passed
7-30-46	Milk to be Past. Gorrell and Richardson. Passed
7-30-46	Milk to be Past. Billy Gorrell. Passed
7-30-46	Milk to be Past. L. D. Gorrell. Passed
7-30-46	Milk to be Past. Hoover's Dairy. Passed
7-30-46	Raw Milk. Koostra's Dairy. High bacteria
9- 9-46	Past. Milk. Marshall's Dairy. Passed
9-30-46	Raw Milk. McInteer & Janigan. Passed
7-30-46	Milk to be Past. Miller's Dairy. Passed
7-30-46	Milk to be past. Musz's Dairy. Passed
7-30-46	Milk to be Past. Richardson's Dairy. Passed
7-30-46	Milk to be Past. Rodes Dairy. High bacteria

7-30-46 Raw Milk. Sanitary Dairy. Passed
7-30-46 Milk to be past. Warrener's Dairy. Passed

DAIRY PRODCTS (Evaporated Milk Irradiated)

5-17-46 Grade A Buttermilk. Fenley's Dairy. Passed
5-17-46 Past. Grade A Choc. Skimmed Milk. Fenley's Dairy. Passed
5-17-46 Grade A Past. Homogenized Milk. Fenley's Dairy. Passed
5-17-46 Grade A Past. Single Cream. Fenley's Dairy. Passed
5-17-46 Past. Grade A Milk. Fenley's Dairy. Passed
5-17-46 Gr. A Past. Dbl. Cream. Fenley's Dairy. Passed
4- 3-46 Grade A Buttermilk. Hazelwood Sanatorium. High bacteria, passed
4- 5-46 Grade A Past. Buttermilk. Hazelwood Sanatorium. Passed, high bacteria
4-10-46 Grade A Past. Buttermilk. Hazelwood Sanatorium. high bact., passed
4- 3-46 Grade A Past. Milk. Hazelwood Sanatorium. High bacteria
4- 5-46 Grade A Past. Hazelwood Sanatorium. High bacteria
4-10-46 Grade A Past. Hazelwood Sanatorium. High bacteria
4- 3-46 Past. Gr. A Cream. Hazelwood Sanatorium. Passed as to pasteurization (sample too small for tests)
4- 5-46 Past. Gr. A Cream. Hazelwood Sanatorium. Passed
4-10-46 Past Gr. A. Hazelwood Sanatorium. Passed
4- 9-46 Goat's Milk. Louis Hess. Passed
4-11-46 Goat's Milk. Louis Hess. Passed

DAIRY PRODUCTS (Evaporated Milk Irradiated)

1- 2-46 A 18292. Carnation Milk Co., Maysville, Ky. Passed
5- 1-46 Carnation Milk Co., Maysville, Ky. Passed
7- 1-46 A 18894. Carnation Milk Co., Maysville, Ky. Passed
10-31-46 Carnation Milk Co., Maysville, Ky. Passed
2-28-46 Pet Milk Co., Bowling Green, Ky. Passed
5-31-46 Pet Milk Co., Bowling Green, Ky. Psased

8-31-46		Pet Milk Co., Bowling Green, Ky. Passed
11-30-46		Pet Milk Co., Bowling Green, Ky. Passed
3-31-46		Pet Milk Co., Mayfield, Ky. Passed
6-30-46		Pet Milk Co., Mayfield, Ky. Passed
10-31-46		Pet Milk Co., Mayfield, Ky. Passed
1- 4-46		Indiana Condensed Milk Co., Sheridan, Ind. Passed
2- 4-46		Indiana Condensed Milk Co., Sheridan, Ind. Passed
3- 4-46		Indiana Condensed Milk Co., Sheridan, Ind. Passed
8- 4-46		Indiana Condensed Milk Co., Sheridan, Ind. Passed
8-15-46		Indiana Condensed Milk Co., Sheridan, Ind. Passed
9- 6-46		Indiana Condensed Milk Co., Sheridan, Ind. Passed

DAIRY PRODUCTS (Vitamin D Pasteurized Milk)

2- 2-46		Carrithers Creamery, Louisville, Ky. Passed
2- 3-46		Carrithers Creamery, Louisville, Ky. Passed
9- 5-46		Carrithers Creamery, Louisville, Ky. Passed
12-31-46		Carrithers Creamery, Louisville, Ky. Passed
8-31-46		Cherokee Sanitary Farm Dairy and Milk Co., Louisville, Kentucky. Passed
12-31-46		Cherokee Sanitary Farm Dairy and Milk Co., Louisville, Kentucky. Passed
1-19-46	A 18294.	Cloverleaf Dairy, Newport, Ky. Passed
4-30-46		Cloverleaf Dairy, Newport, Ky. Passed
8-31-46		Cloverleaf Dairy, Newport, Ky. Passed
11-30-46		Cloverleaf Dairy, Newport, Ky. Passed
3-31-46		Cream Top Creamery, Louisville, Ky. Passed
6-30-46		Cream Top Creamery, Louisville, Ky. Passed

9-30-46		Cream Top Creamery, Louisville, Ky. Passed
12-31-46		Cream Top Creamery, Louisville, Ky. Passed
1-19-46		Ewing Von Allmen Dairy, Louisville, Ky. Passed
4-30-46		Ewing Von Allmen Dairy, Louisville, Ky. Passed
8-31-46		Ewing Von Allmen Dairy, Louisville, Ky. Passed
11-30-46		Ewing Von Allmen Dairy, Louisville, Ky. Passed
12-31-46		Ewing Von Allmen Dairy, Louisville, Ky. Passed
2-28-46		Oscar Ewing, Inc., Louisville, Ky. Passed
5-31-46		Oscar Ewing, Inc., Louisville, Ky. Passed
8-31-46		Oscar Ewing, Inc., Louisville, Ky. Passed
12-31-46		Oscar Ewing, Inc., Louisville, Ky. Passed
2-28-46		Hanneken Dairy Co., Covington, Ky. Passed
6-30-46		Hanneken Dairy Co., Covington, Ky. Passed
9-30-46	A 18899.	Hanneken Dairy Co., Covington, Ky. Passed
1-19-46	A 18293.	Hiland Dairy Co., Newport, Ky. Passed
4-30-46		Hiland Dairy Co., Newport, Ky. Passed
7-31-46		Hiland Dairy Co., Newport, Ky. Passed
10-31-46		Hiland Dairy Co., Newport, Ky. Passed
12-31-46		Jansing Farm Dairy, Newport, Ky. Passed
3-31-46		Jersey Farms Dairy, Fort Thomas, Ky. Passed
5-31-46		Jersey Farms Dairy, Fort Thomas, Ky. Passed
8- 5-46		Jersey Farms Dairy, Fort Thomas, Ky. Passed
11-30-46		Jersey Farms Dairy, Fort Thomas, Ky. Passed
2-28-46	A 16769.	Kahmann & Rehkamp Dairy, Covington, Ky. Passed

5-31-46	A 18882.	Kahmann & Rehkamp Dairy, Covington, Ky. Passed
7-31-46	A 18893.	Kahmann & Rehkamp Dairy, Covington, Ky. Passed
10-31-46	A 18900.	Kahmann & Rehkamp Dairy, Covington, Ky. Passed
1-19-46		Melwood Dairy, Louisville, Ky. Passed
4-30-46		Mellwood Dairy, Louisville, Ky. Passed
8-31-46		Mellwood Dairy, Louisville, Ky. Passed
10-31-46		Mellwood Dairy, Louisville, Ky. Passed
5-31-46		Newport Dairy, Newport, Ky. Passed
7-31-46		Newport Dairy, Newport, Ky. Passed
9-30-46		Newport Dairy, Newport, Ky. Passed
12-31-46	A 18988.	Newport Dairy, Newport, Ky. Passed
3-31-46		Plainview Farms Dairy, Louisville, Ky. Passed
7-31-46		Plainview Farms Dairy, Louisville, Ky. Passed
9-30-46		Plainview Farms Dairy, Louisville, Ky. Passed
11-30-46		Plainview Farms Dairy, Louisville, Ky. Passed
1-19-46	A 18295.	Summe & Raterman, Covington, Ky. Passed
4-30-46		Summe & Raterman, Covington, Ky. Passed
7-31-46	A 18892.	Summe & Raterman, Covington, Ky. Passed
11-30-46	A 19832.	Summe & Raterman, Covington, Ky.
3-31-46		Louis Trauth Dairy, Newport, Ky. Passed
6-30-46	A 18891.	Louis Trauth Dairy, Newport, Ky. Passed
9-30-46		Louis Trauth Dairy, Newport, Ky. Passed
10- 3-46		Louis Trauth Dairy, Newport, Ky. Passed
8-31-46		Von Allmen Bros., Louisville, Ky. Passed
12-31-46		Von Allmen Bros., Louisville, Ky. Passed
2-28-46		Walnut Grove Dairy, Louisville, Ky. Passed
6-30-46		Walnut Grove Dairy, Louisville, Ky. Passed

9-30-46	Walnut Grove Dairy, Louisville, Ky. Passed
12-31-46	Walnut Grove Dairy, Louisville, Ky. Passed

EGGS AND EGG PRODUCTS

A18415	6-24-46	Frozen Eggs—Henderson Produce Co. Monroe City, Mo., at Merchants Ice and Cold Storage Co., Louisville, No. 9160. Passed.
A18416	6-24-46	Frozen Eggs—Henderson Produce Co. Monroe City, Mo., at Merchants Ice and Cold Storage Co., Louisville, No. 8112. Passed.
A18417	6-24-46	Frozen Eggs—Red Star Yeast Co. at Merchants Ice and Cold Storage Co., Louisville, No. 8515. Passed.
A18418	6-24-46	Frozen Eggs—Seymour Packing Co., Topeka, Kans., at Merchants Ice and Cold Storage Co., Louisville, No. 8349. Passed.
A18419	6-24-46	Frozen Egs—Armour & Co. Cleveland, O., at Merchants Ice and Cold Storage Co., Louisville, No. 3047. Passed.
A18420	6-24-46	Frozen Eggs—Wilson & Co., Altus, Okla. at Merchants Ice and Cold Storage Co., Louisville, No. 8551. Passed.
A18421	6-24-46	Frozen Eggs—Sherman White Co., Ft. Wayne, Ind. at Merchants Ice and Cold Storage Co., Louisville, No. 8781 and No. 8919. Passed.
A18422	6-26-47	Frozen Eggs—Emuko Corp., Chicago, Ill. at Merchants Ice and Cold Storage Co., Louisville, No. 8425. Passed.
A18424	6-25-46	Frozen Eggs—P. C. Hendricks, New Salisbury, Ind., at Merchants Ice and Cold Storage Co., Louisville, No. 8273. Passed.

A18425 6-25-46 Frozen Eggs—Wadley Co., Terre Haute, Ind., at Armour & Co., Louisville. Passed.

A20326 6-26-46 Frozen Eggs—Swift & Co., Chicago, Ill. at Armour & Co., Louisville. Passed.

A20327 6-25-46 Frozen Eggs—Wilson & Co. Chicago, Ill. at Armour & Co., Louisville. Passed.

A20328 6-25-46 Frozen Eggs—Mid Continental Food Corp., Chicago, Ill., at Armour & Co. Louisville. Passed.

A20329 6-25-46 Frozen Eggs—Armour & Co., Lincolnville, Ill., at Armour & Co., Louisville. Passed.

FRUIT ANL FRUIT PRODUCTS

A18971 8-22-46 Canned Apple Sauce—Tip Top Brand—Dlr. Ferrell's Foods, Louisville. Mfr. Craddock Canning & Preserve Co., Paducah. Whl. A. J. Seibert, Louisville, Adulterated, filth.

A18938 11-19-46 Raisins—Dlr. Donaldson Baking Co., Louisville. Adulterated, filth (destroyed).

A18330 9-4-46 Apples—Golden Delicious—Gwr. Nick Karem, Buechel (High in spray residue, quarantined)

A18331 9-4-46 Apples—Red Delicious—Gwr. Nick Karem, Buechel. Passed

A18332 9-4-46 Apples—Red Delicious—Gwr. Wm. Fagebush, Buechel (high in spray residue, quarantined)

A18333 9-4-46 Apples—Red Delicious—Gwr. Geo. Miller, Shively, Passed.

A18334 9-4-46 Apples—Yellow Delicious—Gwr. Geo. Miller, Shively, passed.

A18335 9-12-46 Apples—Golden Delicious—Gwr. Nick Karem, Buechel, passed.

A18336 9-12-46 Apples—Red Delicious—Gwr. Wm. Fageenbush, Buechel, passed.

MEAT AND MEAT PRODUCTS

A18159 5-27-46 Lard—Dlr. Manning and Lowe—Bowling Green, Pkr. H. & H. Packing Company, passed.

19629 3-11-46 Liverwurst—Dlr., R. W. Webb, Paducah, Pkr. Heil Paking Company, (Examination for food poisoning, passed.)

19628 3-11-46 Head Cheese—Dlr. R. W. Webb., Paducah, Pkr. Hughes. (Examination for food poisoning, passed).

A18512 6-26-46 Roast Pork, Mfr. Greendale School, Greendale, (Examination for food poisoning, Staphylococci found).

A17078 7-30-46 Hamburger, Dlr., Cook House, Winchester, Mfr. Frozen Food Locker, Winchester, (Adulterated, cereal added water). C. H. O. Sample.

A17081 8-9-46 Hamburger, Dlr., Aldridge Grocery, Lexington, (Adulterated, spoiled meat) C. H. O. Sample.

18605 2-4-46 Pork Sausage, Dlr., Frozen Food Locker, Harlan, Passed. C. H. O. Sample.

18604 2-4-46 Pork Sausage, Dlr., Waldrop Provision Co., Harlan, passed. C. H. O. sample.

A17080 8-9-46 Sausage, Dlr., Aldridge Grocery, Winchester, (Adulterated, spoiled meat), C. H. O. sample

MISCELLANEOUS FOOD PRODUCTS

A19180 2-27-46 Shelled Popcorn, Dlr. J. T. Taylor, Murray, Ky., Adulterated, filth, (Federal case)

A18931 3-6-46 Grain Popcorn, Dlr., M. Livingston Wholesale Groc., Paducah. Mfr. Ace High Products Co., St. Louis, Mo.

NUTS AND NUT PRODUCTS

53-972-H 12-12-46 Brazil Nuts, Dlr., Donaldson Baking Co., Louisville, Adulterated. Shipper, W. A. Higgins & Co., N. Y. (Federal case)

A17532 11-21-46 Shelled Black Walnuts, Dlr., Central Produce Co., Campbellsville (Investigational for filth)

A17533 11-21-46 Shelled Black Walnuts, Dlr., Hedespith Mardis, Campbellsville. (Investigational for filth)

A17534 11-21-46 Shelled Black Walnuts, Dlr., Dudgeon & Robinson, Campbellsville. (Investigational for filth)

A17535 11-25-46 Walnut Kernels, Dlr., Samper Bros. Waynesburg, (Investigational for filth).

A17536 11-25-46 Walnut Kernels, Dlr., Arthur Jasper, Science Hill. (Investigational for filth.)

A17537 11-25-46 Walnut Kernels, Dlr., M. E. Compton, Somerset, (Investigational for filth)

A17538 11-25-46 Walnut Kernels, Dlr., Somerset Produce Co., Somerset, (Investigational for filth)

A17539 11-26-46 Walnut Kernels, Dlr., Geo. Taylor Co., Albany, (Investigational for filth)

A17540 11-26-46 Walnut Kernels, Dlr., Geo. P. Taylor, Burnside, (Investigational for filth)

A17541 11-28-46 Walnut Kernels, Dlr., Morris Bros., Somerset, (Investigational for filth)

A17542 11-27-46 Walnut Kernels, Dlr., S. W. Moss, Stanford (Investigational for filth)

A17543 11-27-46 Walnut Kernels, Dlr. U. R. Dowell, Liberty (Investigational for filth)

A17544 11-27-46 Walnut Kernels, Dlr., Ralph Havious, Hustonville Investigational for filth)

A17545 11-26-46 Walnut Kernels, Dlr., Gibson Produce Co., Monticello (Investigation for filth)

A17546 12-2-46 Walnut Kernels, Dlr., W. E. Compton, Louisa, (Investigational for filth)

A17547 12-5-46 Shelled Walnuts, Dlr., T. Y. Shaw, Crab Orchard (Investigational for filth)

A17548 12-5-46 Walnut Kernels, Dlr., Mt. Vernon Produce Co., Mt. Vernon (Investigational for filth) passed.

OILS AND FATS

A18513 6-26-46 Home Made Mayonnaise, Greendale Reform School, Greendale, Passed.

A17079 8-9-46 Lard, Dlr., Aldridge Grocery, Winchester, Mfr. Quality Packing Co., Lexington,

SACCHARIN PRODUCTS

A18883 4-30-46 Extender No. 129., Mfr. Mason & Mason, Inc., Chicago, Ill., (A partly inverted syrup. Investigational)

A20335 7-17-46 Sugar Inverter No. 23, Mfr. James Robins, Cleveland, Ohio, (Investigational, misbranded).

SPICES AND CONDIMENTS

A19151 1-21-46 Stick Cinnamon, Dlr., Anchorage Grocery Co., Anchorage. Mfr. McCormick & Co., Baltimore, Maryland. Passed.

A18935 11-18-46 Dill Seed, Dlr., Linker Bros. Louisville. (Estimated for filth, passed)

A18942 12-16-46 Black Pepper, Dlr., Earl Clemons Grocery, Glendale, Mfr. W. S. Scott, Louisville. (Misbranded)

A17894 11-7-46 Black Pepper, Dlr., Jessie James, Beaver Dam. Adulterated and misbranded. Quarantined and destroyed.

A18940 11-22-46 Black Pepper, Dlr. R. J. Thornton, Louisville, Mfr. Kentucky Mustard & Spice Mills.

VEGETABLES AND VEGETABLE PRODUCTS

A18515 6-26-46 Cold Slaw, Home made, Mfr. Greendale Reform School, Greendale. Bacteriological Examination. Contamination with hemolytic streptococci.

A-18214 1-4-46 Vegetable Relish, (Mary Alice) Dlr. Murdock Morton Foods, Louisville. Mfr. Sabel & Co., Chicago.

A19001 1-5-46 Mary Alice Vegetable Relish, Dlr. Merchants Wholesale Grocery Co., Louisville, Mfr. Sokol & Co. Chicago, Ill. Passed.

53356-H 11-12-46 Vegetable Relish, Dlr., Harold Burdock Morton Foods, Louisville. Mfr. Sokol & Co. Chicago, Ill. Passed. Poor quality.

A10341 7-22-46 Tomato Puree, Mfr. Santa Rosa Canning Co. Santa Rosa, Texas. Investigational, adulterated.

3311-H 7-12-46 Santa Rosa Tomato Puree, Mfr., Santa Rosa Canning Co. Santa Rosa, Texas. Fededal. Investigational, adulterated.

WATER SAMPLES

A18973 9-5-46 Crushed Ice—Dlr. Bowling Green Ice Co., Bowling Green. Passed.

A18975 9-5-46 Crushed Ice, Dlr. and Mfr. Bowling Green Ice Co., Bowling Green, Sediment dirty.

QUARANTINES AND DESTRUCTIONS

9-5-46 Swift & Co., Lexington. 398 tubs of butter, Federal Seizure. High mold, low fat.

9-14-46 Sugar Creek Creamery, Louisville, 320 pounds of butter. Federal Seizure, excessive mold.

8-17-46 Sugar Creek Creamery, Louisville. 22 tubs of butter, Federal Seizure. Filthy.

8-30-46 Armour & Co., Creameries, Louisville. 69 tubs of butter, Federal Seizure. Contained decomposed substance.

2-5-46 Dlr. Kroger and Baking Co., Louisville. Mfr. Skinner Mfg. Co., Omaha, Neb. 27 boxes of Raisin wheat. State quarantine and destruction. Infested.

10-14-46 Dlr. Oertels Brewing Co., Louisville. Mfr. Lawrence Milling Co., St. Louis, Mo. 17-100 pound bags Brewers Grits—Quarantined. Federal Seizure. Rat contaminated.

10-26-46 Bavarian Brewing Co., Covington, 56-100 pound bags Brewers Grits. Federal Improper storage.

8-16-46 Dlr. Lampton Transfer Q Warehouse Co., Louisville. Mfr. Craddock Canning and Preserving Co., Paducah. Whl. Charles R. Ubelhart Co. Louisville. 220 cases of canned tomatoes. Quarantined, transfered under quarantine to Paducah. Removed swells. Laboratory examination, passed.

10-30-46 Dlr. Henry's Grocery, Lexington. Mfr. Crestes Canning Co., Elwood, Ind. Whl. W. T. Sistrunk and Co., Lexington. C.H.O. Quarantined 7 cans of tomatoes not labeled.

10-30-46 Dlr. McCormicks Grocery, Lexington. Whl. W. F. Sistrunk & Co. Lexington, C.H.O. Quarantined 15 cans tomatoes—unlabeled.

10-30-46 Dlr. Iotz's Grocery, Lexington. Whl. W. T. Sistrunk & Co., Lexington. C.H.O. Quarantined 4 cases and 16 cans of tomatoes. unlabeled.

10-31-46 Dlr. Phoenix Hotel, Lexington. Whl. W. T. Sistrunk & Co., Lexington. C.H.O. Quarantined 12 cases and 24 cans of tomatoes. unlabeled.
All unlabeled tomatoes to be released for labeling.

4-5-46 Dlr. Cave City Drug Store, Cave City. C.H.O. Quarantined. Fire damage to 90% of stock of grocery store. All damaged drugs destroyed under supervision of C.H. Dept.

5-14-46 Dlr. Miss Francis Bradley, Murray. Mfr. Thermapax Industries, Fort Wayne, Indiana. 1 Thermapax Device and Thermo-Magno-Ray Thermapax Health Applicator-Federal Seizure.

6-3-46 Dlr. Miss Francis Bradley, Murray. Mfr. Consolidated Mfg. Co. Dayton, Ohio. Vapo-Path Generator Material. Federal Seizure.

6-25-46 Dlr. Merchants Ice and Cold Storage Co., Louisville. Owner P. C. Hendricks, Louisville. 27-30 pound cans Frozen Eggs. 7 cans inedible, quarantine State. Bad cans destroyed. Good cans released.

6-25-46 Dlr. Armour & Co., Louisville. Owner A. & P. Tea Co., Louisville. 29-30 pound cans Frozen Eggs. Destroyed by agreement.

6-25-45 Dlr. Armour & Co., Louisville. 500-30 pound cans Frozen Eggs. 7 cans rejected and destroyed by agreement.

1-25-46 Dlr. Kirchoff Bakery, Paducah. Mfr. Inglehart Bros. Inc., Evansville, Ind. Federal Seizure. 42-100 pound bags Flour.

1-25-46 Dlr. Kirchoff Bakery, Paducah. Shipper, Bay State Milling Co., Winona, Minn., 14-100 pound

bags Cracked Wheat Flour. Federal Seizure.

1-25-46 Dlr. Kirchoff Bakery, Paducah. Mfr. Bay State Milling Co., Winona, Minn., Federal Seizure, 13-100 pound bags Dark Rye Flour.

10-15-46 Dlr. Louisville Public Warehouse, Louisville. Mfr. Kimbell Milling Co., 624-100 pound bags of Brewers Grits. State Quarantine for Federal Seizure.

10-15-46 Dlr. Louisville Public Warehouse, Louisville. Mfr. Kimbell Milling Co., 175-100 pound bags of Brewers Grits. State Quarantine for Federal Seizure.

11-22-46 Dlr. Byrd Perry, Morehead. Mfr. Lexington Rolling Mills, Lexington. County Quarantine due to infestation of flour. Destroyed by agreement.

2-5-46 Dlr. A. & P. Grocery Co. Louisville. Flood damaged food shipped from Pineville, Kentucky A. & P. Store. Destroyed by agreement.

3-12-46 Dlr. J. B. Shelnutt Salvage Co., Louisville. Fire damaged grocery stock from Kroger Grocery and Baking Company, New Albany, Ind., including canned goods, cereals, flour, meat, beer. Dstroyed by agreement.

5-29-46 Dlr. J. B. Shellnutt Salvage Co., Louisville. Mfr. American Sugar Refining Co., 75-100 pound sacks of sugar damaged by water at a fire at the Brown Ice Cream Company, Bowling Green. Salvaged for Animal Feed by agreement.

8-8-46 Dlr. Goodwin Preserving Co., Louisville. 660-44 pound bags of pear chops. State quarantine on request of Federal Office. Final disposition by Federal Court. Used for Animal Feed.

12-5-46 Dlr. Warren P. Rush Co., Middlesboro. 55 gallons Strawberry Syrup—37 gallons Lime and Lemon Syrup. Federal Quarantine.

10-30-46 Mfr. Cradock Canning Co., Paducah. 95 cases of Apple Sauce—Federal Seizure. Adulturation with rotten apples.

9-13-46 Goodwin Preserving Co., Louisville. 30 cases of Apple Sauce—Federal Seizure. Adulterated—contaminated with rodent hair and insect fragments.

10-10-46 Goodwin Preserving Co., Louisville. 406 cases of Apple Butter—Federal Seizure. Dried Pears substituted for Apple Butter.

11-8-46 Dlr. Merchants Ice and Cold Storage Co., Louisville. 714 pounds of raisins. Federal Seizure.

11-8-46 Dlr. Merchants Ice and Cold Storage Co., Louisville. 330 pounds of raisins. Fedearl Seizure.

8-7-46 Dlr. Stadler Packing Co., Columbus, Ind. 6497 pounds of fresh pork shoulders, hams and loins in a car in the yards of the L. & N. Railway Co., at Harlan, Ky. Destroyed by agreement.

2-4-46 Dlr. Merchants Ice and Cold Storage Co., Louisville. Owner Delta Fruits, Louisville. 117 cans of Frozen Apples. Cans uncovered. Products salvaged under supervision.

12-31-46 Dlr. Eminence Grocery Co., Eminence. Mfr. Carolene Products Co., Leitchfield, Ill. 67-5½ ounce cans and 33-13 ounce cans of Milnot. Quarantined as sale in violation of Filled Milk Section.

12-31-46 Dlr. W. F. Miller, Pleasureville. Mfr. Carolene Products Co., Leitchfield, Ill., 11-5½ ounce cans of Milnot. Quarantined as sale in violation of Filled Milk Section.

12-31-46 Dlr. W. A. Combs, Pleasureville. Mfr. Carolene Products Co., Leitchfield, Ill. 15-13 ounce cans of Milnot. Quarantined as sale in violation of Filled Milk Section.

1-3-46 Dlr. Owenton Grocery, Owenton. Mfr. Carolene Products Co., Leitchfield, Ill. 28-13 ounce cans of Milnot. Quarantined as sale in violation of Filled Milk Section.

12-4-46 Dlr. A. & P. Tea Co., Louisville. Shipper Wm. A. Higgins, N. Y. 307-100 pound bags of of Brazil Nuts. State examination proved 18% inedible. Federal Seizure after State Quarantine.

11-5-46 Dlr. Merchants Wholesale Grocery Co., Louisville, 112-25 pound bags of Almonds in the shell. Federal Seizure.

12-11-46 Dlr. Somerset Catering Co., Somerset. Mfr. Matangas Sugar Estates, Cuba. 3-100 pound bags of sugar. Examination showed contamination with animal discharges. Rat infestation. Destroyed by agreement.

3-3-46 Dlr. Dr. Pepper Bottling Co., Danville, Ill., Mfr. C. O. & W. D. Sethness Co. Chicago, Ill. 22 gallons of Esterex, a preservative containing monochloracetic acid. Pending Federal Seizure.

1-2-46 Dlr. Louisville Grocery Co., Louisville. Canned Beets, Canned Carrots and Canned Kraut. Destroyed on agreement.

1-4-46 Dlr. Altsheler & Co., Louisville. 101-5 gallon buckets of bulk kraut. Destroyed by agreement.

1-4-46 Dlr. A. Wahking Wholesale Grocery, Louisville. Quantity of damaged food stuffs throughout building, destroyed by agreement.

DRUG PRODUCTS

A18299	1-14-46	Klenzade—XY-12. Dlr. A. M. Deloria, Nashville, Tenn. Mfr. Klenzade Products, Inc. Beloit, Wis. Chemical test satisfactory. Submitted sample.
A18300	1-14-46	Klenzade Liquid Chlorine Sterilizer, Formula X4. Dlr. A. M. Deloria, Nashville, Tenn. Mfr. Klenzade Products, Inc. Beloit, Wis. Chemical test satisfactory. Submitted sample.
A18895	6-28-46	Glenzade X4—Mfr. Klenzade Products Co. Beloit, Wis. Submitted sample—Bactericidal test not satisfactory.
A18896	6-28-46	Klenzade XY-12—Mfr. Klenzade Products Co., Beloit, Wis. Submitted sample—Bactericidal test not satisfactory.
A20346	7-23-46	Klenzade Ster—Bac.—Mfr. Klenzade Products Co., Beloit, Wis. Submitted sample—Bactericidal test satisfactory.
A17895	11-20-46	Nutrisept Concentrate—Comb and Brush Sanitizer. Mfr. Middlebrooke Lancaster, Inc. Brooklyn, N. Y. Submitted sample. Bactericidal test satisfactory.
A20347	4-24-46	New South Germicide—A Quaternary Ammonium Type Germicide. Mfr. New South Manufactory Co., Atlanta, Ga. Submitted sample. Bactericidal test satisfactory.
A18941	12-14-46	Economy Chlorine Tablets. Mfr. Mr. O's Products, Los Angeles, Calif. Submitted sample. Germicidal test not satisfactory.
A19831	10-21-46	Sterilez—Dr. Pleaslee Gaulbert, Louisville. Mfr. Pittsburgh Chemical Co., Pittsburgh, Pa. Submitted sample. Bactericidal test satisfactory.

A18884	5-6-46	Chlorocol. Dlr. Henry B. Waters, Louisville. Mfr. Prominent Specialty Co. N. Y. Submitted Sample. Chemical test not satisfactory.
A18888	5-22-46	Hyamine 1622-25%. Dlr. & Mfr. Rohm & Haas, Philadelphia, Pa. Submitted sample. Bactericidal test not satisfactory.
A19828	10-17-46	Tesco-San Concentrated Germicide. Mfr. & Dlr. Tesco Chemical Co., Atlanta, Ga. Submitted Sample. Chemical test not satisfactory.
A16772	2-5-46	Timsol—Theodore Ross & Associates — Los Angeles, Calif. Mfr. Submitted sample. Bactericidal test not satisfactory.
A19827	10-17-46	Timsol—Theodore Ross & Associates— Los Angeles, Calif. Mfr. Submitted sample—Bactericidal test satisfactory.
A18885	5-15-46	Septigard 20—Mfr. Thompson Hayward Chemical Co. Kansas City, Mo. Submitted sample—Bactericidal test satisfactory.
A18886	5-15-46	Septigard 5—Mfr. Thompson-Hayward Chemical Co. Kansas City, Mo. Submitted sample—Bactericidal test not satisfactory.
A16773	2-11-46	Diamond Sterilizer—Dlr. Floyd Murphy, Evansville, Ind. Mfr. Warsaw Chemical Co. Warsaw, Ind. Submitted sample. Misbranded. Bactericidal test not satisfactory.
A16775	3-30-46	Diamond Sterilizer—Mfr. Warsaw Chemical Company, Warsaw, Ind. Submitted sample. Chemical test tsatisfactory.
A20332	7-14-46	Wyandotte Steri-Chlor—Mfr. Wyandotte Chemical Co. Wyandotte, Mich. Submitted sample—Bactericidal test not satisactory.
A19826	10-17-46	Zep Chlorinse——Mfr. Zep Manufacturing Co. Atlanta, Ga. Submitted sample—Bactericidal test not satisfactory.

INVESTIGATIONS OF DEATHS

9-11-44 Investigated Jan. 30, 1946. State File No. 25485 Female, white, age 1 yr. Nelson County. Health Officer reports milk was not the cause of child's death as stated by attending physician.

12-12-46 Investigated 3-18-47. State File No. 2390. Male, white, married, age 38 years. Warren County. Cause of death overdose of opium. Referred to Narcotic Division.

Mr. John C. Watts moved that the House do now adjourn to meet again at 1 o'clock, p. m., Thursday, February 19, 1948.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 19, 1948

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, pastor of the Episcopal Church, of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	Isaac M. Blevins	Robert Collins
Roy W. Arnold	Chas. J. Bronston	Everett T. Cooper
Earl F. Ashcraft	Mrs. Mary Burnett	Perry M. Cross
Sidney Baer	Chas. W. Burnley	Horace T. Cull
Levi Baker	A. H. Calvert	B. G. Davidson
Bernhardt Bauer	Paul Carter	Owen Deering
C. E. Baumgardner	Earl W. Christian	G. I. Drury
Fred Beshear	George I. Cline	Kermit Dwyer

Henry J. Giles	E. H. Martin	LeRoy Saylor
Otto W. Goff	C. D. Moberly	James J. Shannon
Henry C. Hale	Archie R. Moore	Paul E. Shannon
N. M. Hamilton	Davis Moore	James S. Shaw
James P. Hanratty	Walter Moorman	Jesse H. Shelton
Dennis Henderson	Fred H. Morgan	Harry Smith
Carson Hibbitts	E. C. Mullins	John M. Spaulding
E. R. Hilton	Stanley Murphy	Chas. L. Spillman
C. J. Holsclaw	T. A. Noe, Jr.	G. W. Steinford
Richard R. Houpt	Joe E. Nunn	John M. Stumbo
Clyde S. Howard	H. S. Overby	Albert Thomason
D. W. Howard	H. C. Patterson	G. C. Thornton
M. G. Howard	H. M. Pewitt	W. R. Tipton
Ira W. Hulette	L. W. Preston	Wilford S. Travis
Laban P. Jackson	E. F. Prichard	J. B. Veech
Kerby Jennings	Hobart Rayburn	W. J. Ward
Paul S. Jonas	Ottis Roberts	John C. Watts
J. Ernest Jones	F. L. Robinson	Lawrence Watts
L. H. Jones	Lilburn S. Rogers	Morris Weintraub
Ercel Kozee	Amos Runyan	Lynn Boyd Wells
Harry K. Lowman	Glenn Rushing	Rodney Whitlow
W. E. McClure	Mrs. Rutherford	G. F. Williamson
Ed Marcum	Dr. K. N. Salyer	Charles W. Wirsch
F. G. Marquette	D. B. Saylor	Mr. Speaker

Mr. Salyer moved that the reading of the Journal of the House of the procedings of Wednesday, Febraury 18, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. James J. Shannon moved that the privilege of the floor be extended to Mrs. John Armstrong and Miss Gibson.

Said motion was agreed to.

Mr. Carter moved that the privilege of the floor be extended to Messrs. S. T. Hagan and T. T. Webb.

Said motion was agreed to.

Mr. Bauer moved that the privilege of the floor be extended to Mr. Charles Marshall.

Said motion was agreed to.

Mr. Overby moved that the privilege of the floor be extended to Mr. and Mrs. Renald Whaley.

Said motion was agreed to.

Mr. Arnold moved that the privilege of the floor be extended to Col. Vernon Richardson and Mr. Barrett Nickels.

Said motion was agreed to.

Mr. Steinford moved that the privilege of the floor be extended to Messrs. T. P. Fitzpatrick and Tate Hageman.

Said motion was agreed to.

Mr. Moberly moved that the privilege of the floor be extended to Messrs. James A. Tyler, John Cook and Forrest Smith.

Said motion was agreed to.

Mr. Thornton moved that the privilege of the floor be extended to Mrs. Nell Scott.

Said motion was agreed to.

Mr. Preston moved that a bill of the following title, viz.:

H. B. No. 145. An Act authorizing the establishment of a College of Medicine and Surgery at the University of Kentucky; vesting certain powers in the Board of Trustees of the University with respect thereto; authorizing contracts for instruction of medical students pending establishment of such college; making an appropriation for the purposes of this Act, and providing for the investment of the same and the use of the income therefrom.

Be taken from the Committee on Ways and Means and advanced to a reading.

Mr. Clyde S. Howard moved to amend the motion made by Mr. Preston by adding thereto all House bills in Committee be taken from the said Committees and advanced to a reading.

Mr. Morgan moved that the motion made by Mr. Clyde S. Howard be laid on the table.

The yeas and nays being required thereon were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	Hobart Rayburn
Roy W. Arnold	E. R. Hilton	Amos Runyan
Sidney Baer	C. J. Holsclaw	Glenn Rushing
Levi Baker	Richard R. Houpt	Mrs. Rutherford
Bernhard Bauer	Ira W. Hulette	Paul E. Shannon
C. E. Baumgardner	Kerby Jennings	James S. Shaw
Fred Beshear	Paul S. Jonas	Jesse H. Shelton
Isaac M. Blevins	J. Ernest Jones	John M. Spaulding
Chas. J. Bronston	Ercel Kozee	Chas. L. Spillman
Mrs. Mary Burnett	Harry K. Lowman	G. W. Steinford
Chas. W. Burnley	F. G. Marquette	John M. Stumbo
A. H. Calvert	E. H. Martin	G. C. Thornton
Earl W. Christian	Archie R. Moore	Wilford S. Stone
Horace T. Cull	Davis Moore	J. B. Veech
Owen Deering	Walter Moorman	John C. Watts
G. I. Drury	Fred H. Morgan	G. F. Williamson
Henry C. Hale	E. F. Prichard	Charles W. Wirsch
N. M. Hamilton		—52

Those who voted in the negative were—

Paul Carter	E. C. Mullins	D. B. Saylor
Everett T. Cooper	Stanley Murphy	LeRoy Saylor
B. G. Davidson	T. A. Noe, Jr.	James J. Shannon
Henry J. Giles	Joe E. Nunn	Harry Smith
James P. Hanratty	H. C. Patterson	Albert Thomason
Dennis Henderson	H. M. Pewitt	W. J. Ward
Clyde S. Howard	L. W. Preston	Morris Weintraub
D. W. Howard	Ottis Roberts	Lynn Boyd Wells
Laban P. Jackson	F. L. Robinson	Rodney Whitlow
L. H. Jones		—28

Thereupon said last named motion was agreed to.

Mr. Burnley moved that the House do now reconsider the vote by which the motion made by Mr. Morgan was agreed to.

Said motion was unanimously agreed to.

Thereafter such reconsideration.

The motion as made by Mr. Morgan was then disagreed to.

Without objection, the motion as made by Mr. Clyde S. Howard was withdrawn.

The yeas and nays being required on the motion as made by Mr. Preston were as follows, viz.:

Those who voted in the affirmative were—

Paul Carter	E. C. Mullins	Harry Smith
Everett T. Cooper	Joe E. Nunn	John M. Stumbo
B. G. Davidson	L. W. Preston	Albert Thomason
James P. Hanratty	Ottis Roberts	W. J. Ward
Laban P. Jackson	D. B. Saylor	Morris Weintraub
Kerby Jennings	LeRoy Saylor	Lynn Boyd Wells
L. H. Jones		—19

Those who voted in the negative were—

Roy W. Arnold	Richard R. Houpt	Amos Runyan
Earl F. Ashcraft	Clyde S. Howard	Glenn Rushing
Sidney Baer	Ira W. Hulette	Mrs. Rutherford
Isaac M. Blevins	Paul S. Jonas	Paul E. Shannon
Mrs. Mary Burnett	Ercel Kozee	James S. Shaw
Chas. W. Burnley	W. E. McClure	Jesse H. Shelton
A. H. Calvert	C. D. Moberly	G. C. Thornton
G. I. Drury	Fred H. Morgan	Wilford S. Travis
Henry J. Giles	H. C. Patterson	J. B. Veech
Carson Hibbitts	E. F. Prichard	John C. Watts
E. R. Hilton	Hobart Rayburn	Rodney Whitlow
C. J. Holsclaw	F. L. Robinson	—35

Thereupon said motion as made by Mr. Preston was disagreed to.

Mr. Maurice G. Howard offered the following resolution, viz.:

Whereas, the Hazard Herald, in its issue of February 9, 1948, contains the following statement:

"'You have been sold out by the Legislature,' said Dr. K. N. Salyers, Perry County Representative to the Legislature, as he addressed a meeting of the Perry County Christian Civic League yesterday afternoon. Dr. Salyers was referring to the Local Option Bill known as House Bill Number 197, which was passed by the Senate Friday and sent to the Governor.

"Dr. Salyers told approximately 500 Perry County citizens who attended the meeting that lobbyist from liquor sales agencies would 'liquor them up and they would sell their votes.' He explained that the bill had been rushed through the legislature, winning approval by a vast majority."
and

Whereas, the Honorable K. N. Salyers, a Member of this House, if the above statement is an accurate quotation, has charged unnamed and unspecified Members of this House with selling their votes under the influence of liquor; and

Whereas, such charges constitute a reflection upon the sobriety and integrity of the entire membership of the House,

Resolved by the House of Representatives of the Commonwealth of Kentucky that these charges be branded as false, and

Resolved Further that this House demands that the Hororable K. N. Salyers, a Member thereof, shall retract said charges, and

Resolved Further that a copy of this Resolution, together with the retraction of said K. N. Salyers shall be sent by the Clerk of this House to the Editor of the Hazard Herald.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in that body of the following title, viz.:

S. B. No. 36. An Act relating to the practice of accounting, with particular reference to the certification or registration of public accountants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Service by a person in the capacity of Auditor of Income Tax Returns under the Treasury Department of the United States, with a rank not lower than that of agent under a Revenue Agent in Charge, or with a rank not lower than that of United States Deputy Collector who has attained a grade of at least C. A. F. 7, or with a rank equivalent thereto should such ranks be abolished, shall be deemed to be the practice of public accounting within the meaning of KRS 325.260(4) and KRS 325.310(1). Any person who was engaged in such service on June 19, 1946, and who is otherwise qualified under the provisions of KRS 325.310(1), may register as a public accountant, with the State Board of Accountancy, on or before December 31, 1948, and shall thereupon occupy the same status and possess the same rights and privileges as those persons who registered under KRS 325.310 on or prior to July 1, 1946.

Ordered that said bill be printed and referred.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz.:

By Mr. Roberts.

H. B. No. 329. An Act relating to elections; requiring the county clerks to furnish lists of candidates and election

results to the Secretary of State in connection with primary and general elections for members of the General Assembly, and providing a penalty.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) In each county in which the nomination papers or petitions or certificates of nomination of candidates for nomination or election to the office of state senator or state representative are required to be filed with the county clerk, the county clerk shall, not later than forty days before the day fixed by law for the holding of any primary election at which candidates for nomination to such office are to be elected, certify to the Secretary of State a list of all candidates for nomination to such office for whom nomination papers have been filed with him, and a separate list of all candidates for election to such office for whom certificates or petitions of nomination have been filed with him as provided in subsection (3) of KRS 118.130, indicating in each list the party or other political organization with which each candidate is affiliated.

(2) In each such county, the county clerk shall also, not later than five days after the certificates of nomination of candidates for the office of state senator or state representative have been filed with him, as provided in KRS 118.130 and 119.230, following a primary election, certify to the Secretary of State a list of the candidates for such office to whom certificates of nomination have been issued, indicating the party by which each candidate has been nominated.

(3) In each such county, the county clerk shall also, not later than five days after the determination by the county board of election commissioners of the results of any general election, at which candidates for the office of state senator or state representative are elected, certify to the Secretary the names and party affiliations of the successful candidates for state representative are elected, certify to the Secretary of State the names and party affiliations of the successful candidates for such office.

§ 2. Any county clerk who fails to comply with any of the provisions of Section 1 of this Act shall be fined not less than ten dollars nor more than twenty-five dollars for each offense.

By Mr. Jennings.

H. B. No. 330. An Act relating to the segregation of minor and youthful prisoners from hardened and habitual criminals confined in the State penitentiaries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Minor and youthful prisoners confined in any state penitentiary, shall not be placed, or kept, or allowed to be, at any time, with any hardened and habitual criminal or criminals, in any room, dormitory, cell, tier, or corridor of the buildings of such institutions, or on its grounds, or, while for any purpose, outside such buildings or grounds; it being the intention of this section that minor and youthful criminals shall at all times be separately grouped in such manner as to make intercommunication with hardened and habitual criminals impossible.

By Mr. Hale.

H. B. No. 331. An Act relating to game and fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In addition to the exceptions contained in KRS 150.170, any person may take fish, without a fishing license, from public or private waters by use of a pole and line with a single hook.

By Messrs. Jonas and Steinford.

H. B. No. 332. An Act relating to allowances to county tax commissioners for compensation of deputies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of Section 132.590 of the Kentucky Revised Statutes of 1946 is repealed, amended and reenacted to read as follows:

(5) In counties in which assessed value of property exceeds fifteen million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies the sum of one thousand five hundred dollars for each seven and one-half million dollars of the property assessed in excess of fifteen million dollars, but the total sum allowed to any county tax commissioner as compensation to his deputies shall not exceed ten thousand five hundred dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630.

By Mr. Calvert.

H. B. No. 333. An Act relating to marriage with particular reference to soliciting persons to be married; amending Section 402.090 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 402.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall, for compensation or reward, solicit, persuade, entice, direct or induce any persons to go to or before any person authorized to solemnize marriage to be married. No such person shall receive for such services any part of the remuneration paid for solemnizing the marriage.

(2) No person authorized to solemnize marriage shall pay, give to, or divide or share with any other person any sum of money or other thing obtained by him for solemnizing marriage.

By Mr. Ashcraft.

H. B. No. 334. An Act relating to the admission of persons to practice law in this state.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The rules and regulations prescribed by the Court of Appeals regulating the admission of persons to practice law in this state shall include the following provisions:

Any applicant for admission to the Bar of this state who has completed the full legal course required by the University of Kentucky School of Law, or the University of Louisville School of Law, and has graduated from either of those schools with the LL. B. Degree, and who possesses the other prescribed qualifications for admission to the Bar of this state and is not subject to any disqualification which would preclude him from taking the examination for admission to the Bar, shall not be required to take the examination for admission to the Bar. Upon production of his diploma for the LL. B. Degree, and upon satisfactory proof that he meets the other prescribed qualifications, such persons shall, by order of the Court of Appeals upon his motion, be admitted to the Bar of this State and enrolled as a member thereof.

By Mr. Whitlow.

H. B. No. 335. An Act providing that a certain road be added to the primary system as a part of the State road system.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That certain road located in Todd County, Kentucky, which begins at Highway No. 181, one and one-half miles south of Clifty and extends to the Highland-Lick road, a distance of approximately three and one-half miles, is hereby added to and shall hereafter constitute a part of the state primary road system.

By Mr. Archie R. Moore.

H. B. No. 336. An Act relating to contract carriers' permits and amending Sections 281.200, 281.210 and 281.480 of the Kentucky Revised Statutes whereby provision is made, under certain conditions and subject to certain rules and regulations, for the issuance of contract carriers' permits by county court clerks, and further provision is made for the payment of prescribed application fees and gross weight excise taxes, and for payment of the county court clerk's service fee.

Said bill is as follows, viz.:

Be it enacted by the General Asembly of the Commonwealth of Kentucky:

I. Section 281.200 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1). No person shall act as a contract carrier without having obtained a permit from the Division of Motor Transportation (or from a county court clerk, as provided in Section 281.210 (2) herein).

II. Section 281.210 of the Kentucky Revised Statutes is amended to read as follows:

(1). Applications for permits shall be made to the Division in the manner and form provided for in the regulations of the Division (except as provided herein in Subsection 2 of this Section).

(2). Any applicant who has been issued a contract carriers' permit for the year last preceding that of his present

application may apply for a renewal of the permit to the county court clerk of the county in which the applicant has his main place of business, and may be granted a renewal of the permit by the clerk, subject, however, to all the provisions, requirements and restrictions hereinafter set out in this Act. The permit thus issued by the clerk shall be only a renewal of, and shall authorize only the same operations permitted under, the applicant's permit for the preceding year.

(3). Each application for a permit to operate a motor vehicle for hire designed primarily for the transportation of persons and having a seating capacity of seven persons or less shall be accompanied by a fee of $10.00. Every other application for a permit shall be accompanied by a fee of $20.00. (One Dollar of the amount thus collected by the county clerk from each applicant shall be retained by the clerk for services performed and the balance shall be forwarded to the Division of Motor Transportation.)

(4). The Division may, if it deems advisable, hold a public hearing on the application, in which event the Division shall give written notice thereof, at least ten days prior to the time fixed for the hearing, to all persons who may, in the opinion of the Division be interested in or affected by the issuance of the permit.

(5). The county court clerk shall give the Division of Motor Transportation ten days' notice before he issues a renewal of a contract carriers' permit as provided for in subsection (2) of this amended section. The division may, if it deems it advisable, hold a public hearing on the application for renewal of a permit, in which event the division shall give written notice thereof to the county clerk before the expiration of the above said ten days' notice. The clerk upon receipt of the notice of a hearing shall withhold the permit subject to a final decision of the division based upon the hearing.

(6). Notice of the division's hearing shall be given to those entitled to it and in the manner prescribed by Subsection (4) of this amended section. The decision of the division, based upon the hearing, shall be made known to the county court clerk as soon as it has been rendered. The clerk, upon receiving notice of a decision favorable to the applicant, shall

issue a renewal of the permit applied for, but he shall not issue a renewal of the permit if the decision rendered is unfavorable to the applicant.

III. Section 281.480 of the Kentucky Revised Statutes is amended to read as follows:

(1). On or before January 1 of each year, and as a condition precedent to the use of the public highways every common carrier and every contract carrier, except contract carriers who are issued renewals of permits by the county court clerk, primarily engaged in transporting property for hire, shall pay to the Division of Motor Transportation or its agent at Frankfort, for the privilege of using the highways an annual excise tax, based on the declared gross weight as set out in KRS 186.030, in addition to the basic registration fee set out in KRS 186.050, as follows:

Gross Weight	Fee
C-5000	$ 22.00
5001-8000	39.00
8001-10000	48.00
10001-12000	52.00
12001-14000	57.00
14001-16000	62.00
16001-18000	70.00
18001-21000	101.00
21001-24000	132.00
24001-27000	161.00
27001-30000	185.00
30001-33000	208.00
33001-36000	235.00
36001-39000	272.00
39001-42000	300.00

The tax shall be increased fifty percent on each motor vehicle not equipped wholly with pneumatic tires.

(2). All contract carriers who are issued renewals of permits by the county clerk as provided for by this Act shall pay to the county clerk for the year for which the renewal of the permit is issued an annual excise tax in the manner and amounts and within the time as prescribed by Subsection (1) of this Section, as amended.

(3). The weight tax imposed by this Section, does not apply to motor vehicles operated by a common carrier or contract carrier for hire under a certificate or permit issued it by the Division of Motor Transportation or by the county clerk when such motor vehicle does not enter the State of Kentucky a distance of more than fifteen miles from its point of entry into this State, but such motor vehicles shall be registered annually with the Division of Motor Transportation or the county clerk and an annual tax or registration fee of ten dollars paid the office in which the vehicle is registered. The Division of Motor Transportation, through its office or through the county clerk, shall thereupon issue an evidence of such registration which shall at all times be prominently displayed on such vehicle while in this State.

(4). All weight taxes paid to the county court clerk under the provisions of Subsections (2) and (3) of KRS 281.480 as amended herein, shall be forwarded by the clerk to the Division of Motor Transportation.

By Mr. Baer.

H. B. No. 337. An Act to amend Section 271.385 of Kentucky Revised Statutes by providing for resignation of process agents appointed by corporations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 271.385 of Kentucky Revised Statutes be amended by adding thereto the following additional paragraph to be known as Paragraph (7):

(7) Any person or corporation after having been designated by a domestic or foreign corporation as its authorized agent for service of process may file with the Secretary of State a signed statement that he or it is unwilling to continue to act as such agent. Upon the expiration of thirty days after the filing of such statement with the Secretary of State the capacity of such person or corporation as such agent shall

terminate. Upon the filing of such statement the Secretary of State forthwith shall give written notice, by mail, to such corporation of the filing of such statement and the effect thereof, which notice shall be addressed to such corporation at its home office as shown by the records of his office.

Ordered that said bills be printed and referred.

Resolution of the following titles were offered, viz.:

By Mr. Carter.

H. Res. No. 37. A Joint Resolution providing for the payment, to the Peoples Bank of Tompkinsville, Kentucky, of certain witness claims allowed by the Monroe Circuit Court.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Peoples Bank of Tompkinsville, Kentucky, is now the owner of certain witness claims allowed in the Monroe Circuit Court, at its regular and special terms in December, 1941, and at its regular terms in August, 1941, April, 1942, December, 1943, and April, 1944, in the total amount of thirty-one dollars.

It appearing that said claims were not presented for payment by the Commonwealth within the time prescribed by statute, and it further appearing that said claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by the Peoples Bank of Tompkinsville, and the statute of limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay the same, being thirty-one dollars, is hereby appropriated out of the General Expenditure Fund in the State Treasury.

By Mr. Arnold.

H. Res. No. 38. A Joint Resolution directing the division of Parks to pay, to John Stanley of Danville, Kentucky, certain compensation to which he is entitled for services as custodian of the J. G. Weisiger Memorial State Park and the Ephraim McDowell Home.

Said resolution is as follows, viz.:

Whereas, Between July 1, 1944, and the present date, John Stanley of Danville, Kentucky, has performed custodial services at the J. G. Weisiger Memorial State Park and the Ephraim McDowell Home, under employment with the Division of Parks and under an agreement that he would be compensated for the value of his services; and

Whereas, notwithstanding that the said John Stanley, prior to February 1, 1948, has rendered services to the value of $500, the Division of Parks has failed and neglected to compensate him as agreed;

Now, Therefore

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Division of Parks is hereby directed and required to pay to John Stanley of Danville, Kentucky, out of such sums as have been appropriated to such division for ordinary recurring expenses of operation, the sum of $500 for services rendered by the said John Stanley between July, 1944, and February 1, 1948, as custodian of the J. G. Weisiger Memorial State Park and the Ephriam McDowell Home.

By Mr. Wells.

H. Res. No. 39. A Joint Resolution authorizing Clayton Henry, of Index, Morgan County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz.:

Whereas, it is alleged that the Department of Highways, in constructing the highway now known as U. S. High-

way No. 460, near Index, Kentucky, negligently constructed the same and particularly by leaving open ditches on each side of the highway, so as to impair the usefulness of certain real estate owned by Clayton Henry;

Now Therefore

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Clayton Henry, of Index, Morgan County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Morgan Circuit Court for property damages caused by alleged negligence on the part of the Department of Highways and its employees in the performance of their duties.

Said suit shall be for a sum not in excess of $1,500.

The Attorney General may investigate the claim herein and settle the claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General, shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment renered by the circuit court, either party may appeal to the Court of Appeals.

No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be instroduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolutions be printed and referred.

REPORT OF COMMITTEES

Dr. Drury of the Committee on Oil and Minerals, to which the same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 297. An Act relating to taxes upon production of crude petroleum; state and county; amending KRS 137.120.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Beshear of the Committee on Conservation, to which the same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 285. An Act relating to soil and water resources, defining additional powers and duties of the Soil and Water Resources Commission and the Division of Soil and Water Resources; Providing that certain heavy or specialized machinery or equipment shall be made available to Soil Conservation Districts, and setting forth the terms and conditions of same, making an appropriation therefor, and repealing all laws or parts of laws in conflict therewith.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the calendar.

Mr. John C. Watts, of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title:

H. B. No. 171. An Act amending Section 402.080 of the Kentucky Revised Statutes, relating to marriage licenses.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the calendar.

Mr. Hibbitts, of the Committee on Mines and Mining, to which same had been previously referred, reported a bill of the following title:

H. B. No. 242. An Act relating to mines and minerals; amneding Sections 351.010, 351.020, 351.060, 351.150, 352.020, 352.030, 352.060, 352.150, 352.280, 352.300, 352.310, 352.320 352.400, 352.420, and 352.080 of the Kentucky Revised Statutes; repealing Sections 351.200, 351.210, 351.220, and 351.230 of the Kentucky Revised Statutes; and creating a new section of the Kentucky Revised Statutes to be numbered KRS 351.075.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the calendar.

Mr. Hibbits of the Committee on Mines and Mining, to which the same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 185. An Act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit or stripping method; regulating such mining; and providing penalties.

With Committee amendments thereto.

Said Committee amendments to said bill are as follows, viz.:

Committee Amendment No. 1. Amend printed copy of House Bill No. 185, on page 2, section 4, lines 1 and 2, by striking all of lines 1 and 2 of Section 4 and inserting in lieu thereof the following:

Section 4. Before any officer shall hereafter engage in open pit mining of bituminous coal within the Commonwealth, or continue open pit mining operations heretofore commenced, whether upon land owned by such officer or upon land owned by another person, he shall register''

Committee Amendment No. 2. Amend printed copy of House Bill 185, by striking all of Sections 11, 12 and 13, and all of lines 1 to 4, inclusive, of Section 14, and renumbering the sections of said bill so that

Section 14 will become Section 11

Section 15 will become Section 12

Section 16 will become Section 13

Section 17 will become Section 14

Section 18 will become Section 15

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Hilton of the Committee on Education No. 1, to which the same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 16. An Act relating to the special education of physically or mentally handicapped children; creating a division of Special Education for handicapped children; providing for special educational facilities; and appropriating money therefor.

With Committee amendment thereto by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act relating to the special education of physically or mentally handicapped children; creating a Division of Special Education for Handicapped Children; providing for special education facilities; and appropriating money therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

(1) "Physically handicapped children" means children of sound mind between the ages of 3 and 21 years who suffer from any disability making it impractiable or impossible for them to benefit from or participate in the normal classroom program of the public schools in the school district in which they reside and whose education requires a modification of the normal classroom program.

(2) "Educable mentally handicapped children" means children between the ages of 5 and 21 years who because of retarded mental growth (as determined by recognized standardize tests) are incapable of being educated profitably and efficiently through ordinary classroom instruction but who may be expected to benefit from special educational facilities designated to make them economically useful and socially adjusted.

(3) "Special education facilities" means special schools, special classes, and special instruction. All special education facilities shall be under the supervision of the Superintendent of Public Instruction.

Section 2.

(1) Any board of education furnishing special educational facilities for handicapped children as provided for in Section 159.060, Kentucky Revised Statutes, shall present to the Superintendent of Public Instruction an application for conditional pre-approval of a plan for special educational facilities to handicapped children before the said board of education shall be eligible to receive State reimbursement for such services.

(2) Said district board of education shall, through its Superintendent, make such reports and keep such accounts as the Superintedent of Public Instruction may require in order to secure sufficient information to determine whether the district shall be eligible to receive reimbursement for any funds available for special educational services.

(3) Upon the recommendation of the Superintendent of Public Instruction, the State Board of Education shall make such rules and regulations as it deems wise for carrying out the purposes of this Act.

(4) When the school term has closed, the board of education and Superintendent of the district shall make an annual report accompanied by an application for reimbursement of excess per capita cost above the average per capita cost for the school district. As determined, computed, reported, and approved, in no event shall this excess cost exceed the sum of $275.00 per annum for each physically handicapped child, or $125.00 per annum for each educable mentally handicapped child. No school district may be reimbused under this Act for costs for which financial aid is paid under any other Act.

Section 3.

There is hereby appropriated out of the General Expenditure Fund for the purpose of administering this Act and reimbursing local school districts as provided in this Act the sum of $100,000, which shall be available for the remainder of the school year 1947-48 after this Act becomes effective and for the school year 1948-49 and 1949-50. Any unexpired and unencumbered balance remaining of such appropriation at the end of either such fiscal years shall not lapse to the General Expenditure Fund, but shall be available for expenditure during the following fiscal year or years.

Section 4.

Whereas, the lack of adequate educational facilities for handicapped children threatens to impair their development as useful citizens of this Commonwealth, an emergency is declared to exist and this Act shall be in full force and effect immediately upon its passage and approval.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the calendar.

H. B. No. 152. An Act relating to Civil Service Employees in cities of the second and third classes, amending subsections (1) and (6) of Section 90.350 of the Kentucky Revised Statutes, and providing for the manner of making appointments, filling vacancies, and making promotions in the classified positions under City Civil Service.

Mr. Burnley of the Committee on Ways and Means, to which the same had been previously referred, reported bills of the following titles, viz.:

H. B. No. 224. An Act relating to the hiring and compensation of peace officers for the purpose of keeping order at certain places of public entertainment.

H. B. No. 53. An Act to amend and to reenact Section 229.080, Kentucky Revised Statutes, relating to the granting of exemptions from the payment of tax and license fees for the holding of certain athletic exhibitions.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of House Bill No. 53 on page 2, section 2, lines 23 and 24, by striking therefrom the following: "but shall not hold a match or exhibition within fifteen miles of a licensed club." and inserting after the figures "229.070" a period.

H. B. No. 144. An Act to repeal and reenact Section 25.610 of the Kentucky Revised Statutes, relating to the civil jurisdiction of justices' courts.

H. B. No. 106. An Act relating to contracts and separate estate of married women, amending KRS 404.010.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Calvert of the Committee on Agriculture No. 1, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 272. An Act relating to the methods, apparatus and standards to be used in grading wheat.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Wells of the Committee on Memorials and Resolutions, to which same had been previously referred, reported a bill and resolution of the following titles, viz.:

H. B. No. 271. An Act relating to holidays; providing that June 3rd, which is now observed as Confederate Memorial Day, shall also be observed as Jefferson Davis Day.

H. B. No. 24. A Joint Resolution declaring the post of Poet Laureate of Kentucky vacant and naming a successor to such post.

With the expression of opinion that same should pass.

Whereupon said bill and said resolution were read at length for the first time and

Ordered placed on the Calendar.

Mr. Hanratty of the Committee on Claims, to which the same had been previously referred, reported resolutions of the following titles, viz.:

H. Res. No. 20. A Joint Resolution authorizing the personal representative of R. G. Hanner, deceased, of Providence, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 13. A Joint Resolution authorizing Johnny Runner to sue the Commonwealth of Kentucky.

S. Res. No. 17. A Joint Resolution authorizing the personal representative of R. G. Hanner, deceased, of Providence, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 23. A Joint Resolution authorizing the payment of Sheriffs' fees as provided in KRS 64.070 to Charles V. Hall of Jeffersontown, Kentucky, for transportation of certain prisoners from Gallatin County, Kentucky, to the Kentucky State Reformatory at LaGrange, Kentucky, during 1944 and 1945.

H. Res. No. 8. A Joint Resolution authorizing the payment of witness claims and a pauper idiot claim duly allowed by the Breathitt Circuit Court and owned by the First National Bank of Jackson, Kentucky.

H. Res. No. 30. A Joint Resolution authorizing the payment of judges' examining trial fees as provided by Kentucky Revised Statutes 26.180 and 64.220 to John O. Hardin of Hopkinsville, Christian County, Kentucky, Judge of Police Court of the City of Hopkinsville for certain examining trials held in said court during the years of 1942, 1943, 1944, 1945, 1946, and 1947.

S. Res. No. 15. A Joint Resolution authorizing Curtis Pigman to sue the Commonwealth of Kentucky.

S. Res. No. 6. A Joint Resolution authorizing the payment of a claim for holding examining trials allowed by the Marion Circuit Court, to G. C. Spalding of Lebanon, Kentucky.

S. Res. No. 8. A Joint Resolution authorizing Mell T. Prather to sue the Commonwealth of Kentucky and the Department of Highways of the Commonwealth of Kentucky, either or both.

S. Res. No. 14. A Joint Resolution authorizing Dan T. Martin to sue the Commonwealth of Kentucky.

H. Res. No. 27. A Joint Resolution authorizing the payment to Lee Swanner of London, Kentucky, of certain witness claims allowed by the Laurel Circuit Court and the Rowan Circuit Court.

H. Res. No. 9. A Joint Resolution authorizing B. H. Kelley to sue the Commonwealth of Kentucky.

H. Res. No. 16. A Joint Resolution authorizing Maude Turner Herald to file suit against the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School, or any one or more of them.

With the expression of opinion that same should pass.

Whereupon, said resolutions were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Runyan of the Committee on Education No. 2, to which same had been previously referred, reported bills of the following titles, viz.:

H. B. No. 154. An Act relating to certification of teachers.

With Committee amendment thereto

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. 154, on page 1, section 1, line 1, by striking the words "provisional elementary"

H. B. No. 223. An Act relating to the distribution of the state school per capita fund.

With Committee amendment thereto

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. 223, on page 1, line 13, by changing the period in line 13 to a comma and then to add the following words in said sentence after the comma: "insofar as such rating is determined by enrollment".

Thereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. McClure of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported bills of the following titles, viz.:

H. B. No. 204. An Act relating to real estate brokers and salesmen; including provisions regulating the qualifications and examination of applicants for licenses as real estate brokers and salesmen and defining the relationship between real estate brokers and salesmen.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. 204, on page 2, section 3, line 9, by striking therefrom lines 9 to 22, inclusive, and substituting in lieu therefor the following:

"shall be eligible for examination.

(2) The commission shall require each applicant for broker's or salesman's license whom it has admitted for examination to pass an examination in writing to be conducted by said commission, or its authorized representative, which examination shall be of scope and wording sufficient in the judgment of the commission to establish the competency and trustworthiness of the applicant to act as a real estate broker or salesman in such manner as to protect the interest of the public."

H. B. No. 13. An Act relating to marriage and divorce; placing restrictions on the remarriage of divorced male persons.

H. B. No. 243. An Act relating to labor, prohibiting the discharge of any employee solely or only on the ground of age.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of House Bill 243, on page 1, section 1, line 3, by striking the word "labor" and substituting and inserting in lieu thereof the words "five or more employees"

H. B. No. 211. An Act relating to old age assistance.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Burnley of the Committee on Ways and Means, to which the same had been recommitted, reported a bill of the following title, viz.:

H. B. No. 162. An Act relating to allowances to county tax commissioners for compensation of deputies.

With the expression of opinion that same should pass.

Said bill having previously received its readings, it was ordered placed in the Orders of the Day.

Mr. Calvert of the Committee on Agriculture No. 1, to which the same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 235. An Act repealing, amending and reenacting Section 248.370, Kentucky Revised Statutes, relating to tobacco warehouses, and providing for uniform warehouse charges.

With the expression of opinion that same should not pass.

No motion having been made to advance said bill to a first reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken on said bill by the House, it was ordered that said bill be not read at length for the first time and so said bill was rejected.

Mr. Burnley of the Committee on Ways and Means, to which the same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 46. An Act relating to liens on motor vehicles for repairs, work, storage, accessories, or supplies.

With the expression of opinion that same should not pass.

No motion having been made to advance said bill to a first reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken on said bill by the House, it was ordered that said bill be not read at length for the first time and so said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz.:

B. H. No. 253. An Act relating to the tax on premiums received by Insurance Carriers for Workmen's Compensation Insurance; amending KRS 342.445 and 342.450.

H. B. No. 291. An Act to provide for the public safety, by creating a Department of Kentucky State Police; providing for the personnel thereof, including a Commissioner, officers and employees; providing for the powers, duties, immunities, compensation, appointment, discipline and removal of the personnel; transferring to the Department of Kentucky State Police the offices, facilities, equipment, duties, powers and funds of the State Highway Patrol; making an appropriation; and repealing laws in conflict.

S. B. No. 92. An Act relating to bonds given in proceedings under Section 489 of the Civil Code of Practice.

H. B. No. 312. An Act relating to the State Textbook Commission, its organization and duties.

H. B. No. 308. An Act relating to expense of operating motor vehicles used by State officers, employee or agent.

S. B. No. 125. An Act transferring balances of funds of toll free bridges to Sinking Fund of the Rockport Toll Bridge.

H. B. No. 254. An Act making provision for the payment, out of the State Treasury, of the actual and necessary expenses incurred by judges of the circuit courts and judges and commissioners of the Court of Appeals in the performance of their offcial duties, or in certain instances, for the payment of a sum deemed to be the equivalent of such expenses, and imposing a tax on civil suits to further the purposes of the Act.

With Committee amendment thereto by way of substitute therefor.

H. B. No. 227. An Act relating to instruction in cooperative marketing and consumers' cooperatives.

With Committee amendement thereto.

S. B. No. 64. An Act providing for the appointment of an Acting City Manager in cities of the second class organized under the city manager form of government.

H. B. No. 244. An Act to amend Section 69.105 of Kentucky Revised Statutes pertaining to stenographer to Commonwealth's attorneys in counties containing cities of the second class.

H. B. No. 127. An Act relating to tuition charge for junior colleges in cities of the second class.

H. B. No. 292. An Act relating to elections, with particular relation to elections, both regular and primary, in cities under the commission form of government.

H. B. No. 276. An Act to repeal, amend and renact Section 95.580, Kentucky Revised Statutes, relating to the policemen's and firemen's pension funds in cities of the second and third class and fixing rate of tax and assessment and designating the source of said fund.

Ordered that said bills be read at length the second time.

Mr. John C. Watts moved that the Constitutional provision as to the second reading at length of said bills be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills having been dispensed with, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 198. An Act to amend Section 281.450 of the Kentucky Revised Statutes relating to taxicabs and city busses.

With Committee amendment thereto by way of substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:

That Section 281.450 of the Kentucky Revised Statutes relating to taxicabs and city busses be amended and reenacted so that said section as amended shall read as follows:

No person shall operate a city bus or taxicab **for hire** on any public highway who is not qualified so to do under KRS 281.040 or 281.200, without having procurred from the Division of Motor Transportation a certificate for such operation. Before the Division shall issue a certificate the person seeking it shall file with the Division an application, in such form as the Division requires, setting forth, among other matters, the name and residence of the applicant, **the name of** the chief officer if the applicant is a corporation, and the names of the members, if the applicant is a partnership, the number and description of the vehicles to be used, the place where the applicant proposes to operate, and a list of all drivers employed or to be employed. If any changes are made in the drivers or any additional drivers are employed, the operator shall furnish a list thereof to the Division. Certificates shall be renewed at such times, in such manner and upon such conditions as the Division prescribes.

The Division shall hold a public hearing on the application and shall within a reasonable time fix the time and place for a hearing. At least ten days before the hearing the Division shall mail written notice of the hearing, and of **the right to** file a protest in accordance with the requirements of the Division, to the applicant, to each common carrier, including steam and electric railway companies, and to other taxicab operators serving any part of the territory to **be served by** the applicant.

At the time fixed in the notice or at such time thereafter as the Division determines, the Division shall hold a public hearing on the application, except as provided in Subsection (2) of KRS 281.090. Any person having an interest in the subject matter may, in accordance with the rules prescribed therefor by the Division, file a protest to the granting in whole or in part, of the application, make representations, and introduce evidence in support of the protest.

In granting or refusing to grant a certificate, the Division shall take into consideration the effect that the proposed operation may have upon public transportation business and facilities of every character within the territory sought to be served by the applicant, whether existing transportation service is adequate, the public need for the service the applicant proposes to render, the ability of the applicant efficiently to perform the service, and the probable effect upon the highways and upon the safety of the public using the highways. No certificate shall be granted unless the applicant establishes by competent evidence that such authority is required by public convenience and necessity.

If it appears that the applicant was engaged in operating taxicabs on January 1, 1947, as the word "taxicab" is defined by Section 281.010 KRS and has been continuously so engaged since that date, the Director of the Division of Motor Transportation shall issue to said applicant a certificate of public convenience and necessity authorizing said applicant to engage in operating only the number of taxicabs which the applicant had duly licensed by the Director of the Division of Motor Transportation of the Commonwealth of Kentucky on the first day of January, 1947, provided that the applicant files application for a certificate for the operation of said taxicabs within thirty (30) days from the effective date of this act. The Director shall not issue a certificate to any person, firm or corporation to operate any number of taxicabs greater than the number of taxicabs that the applicant was operating on January 1, 1947, without a public hearing on the application, as hereinabove provided, and the establishment by competent evidence that such authority for additional taxicabs is required by public convenience and necessity.

The Director of the Division of Motor Transportation after hearing as provided in this Act, shall have the power and it shall be his duty to revoke the license of all motor vehicles used for the transportation of passengers for hire, where it is shown by competent evidence that the operator or the driver of said vehicle has been guilty of a violation of any law or any rule or regulation of the Division governing or applying to motor vehicles or the operators or drivers thereof.

The provisions of Sections 281.030, 281.050, 281.090, 281.100, 281.110, 281.120, 281.130, 281.140, 281.150, 281.170, 281.180, 281.190, 281.260, 281.270, 281.290, 281.300, 281.330, 281.360, 281.370, 281.380, 281.390, 281.400, 281.410, 281.420, 281.430, 281.440, 281.570, and 281.990, referring to common carriers and contract carriers shall apply to taxicabs, except as otherwise provided in KRS 138.470, 186.020 and 196.050, the fees and taxes prescribed by this act shall be in addition to the fees and taxes prescribed by any other law of this state.

Mr. Drury moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 65. An Act relating to the common school equalization fund, with particular reference to eligibility of school districts to participate in the fund.

Mr. Clyde S. Howard moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 186. An Act relating to the commission form of government for cities, with particular relation to the compensation of the mayor and commissioners in cities of the third class; amending subsection (2) of KRS 89.110.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of § 89.110 of the Kentucky Revised Statutes is amended to read as follows:

(2) In cities of the third class the mayor and each commissioner shall receive an annual salary of lot less than $500 nor more than $3,000 to be fixed in the question submitted to the voters as provided in KRS 89.030(3), subject to the change thereafter, within the above limits, by ordinance of the board of commissioners, which ordinance shall be submitted to the voters, the same as if a petition for referendum had been filed in the manner provided in KRS 89.230 and 89.240; also subject to change, within the above limits, by initiative proceedings as provided in KRS 89.250.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Richard R. Houpt	Ottis Roberts
Earl F. Ashcraft	Clyde S. Howard	F. L. Robinson
Sidney Baer	D. W. Howard	Lilburn S. Rogers
Levi Baker	M. G. Howard	Amos Runyan
Bernhardt Bauer	Ira W. Hulette	Glenn Rushing
C. E. Baumgardner	Kerby Jennings	Mrs. Rutherford
Fred Beshear	Paul S. Jonas	Dr. K. N. Salyer
Isaac M. Blevins	J. Ernest Jones	LeRoy Saylor
Chas. J. Bronston	L. H. Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	W. E. McClure	James S. Shaw
Paul Carter	F. G. Marquette	Harry Smith
Earl W. Christian	E. H. Martin	John M. Spaulding
Everett T. Cooper	C. D. Moberly	Chas. L. Spillman
Horace T. Cull	Archie R. Moore	G. W. Steinford
B. G. Davidson	Davis Moore	John M. Stumbo
G. I. Drury	Walter Moorman	Albert Thomason
Kermit Dwyer	Fred H. Morgan	G. C. Thornton
Henry J. Giles	E. C. Mullins	Wilford S. Travis
Otto W. Goff	T. A. Noe, Jr.	W. J. Ward
N. M. Hamilton	Joe E. Nunn	John C. Watts
James P. Hanratty	H. S. Overby	Morris Weintraub
Dennis Henderson	H. M. Pewitt	Lynn Boyd Wells
Carson Hibbitts	L. W. Preston	Rodney Whitlow
E. R. Hilton	E. F. Prichard	G. F. Williamson
C. J. Holsclaw	Hobart Rayburn	Charles W. Wirsch

—78

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

S. B. No. 60. An Act to amend Section 95.320 of the Kentucky Revised Statutes, eliminating the limitation on

taxation and revenues for support of Firemen's Pension Funds in Cities of the First Class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.320 of the Kentucky Revised Statutes is amended to read as follows:

The firemen's pension fund shall consist of:

(1) All gifts, devises and bequests of money or property or interest therein to the board of trustees or the fund for the use and purpose for which the fund is created. Any gift, devise or bequest to the board of trustees, for the fund, may be absolute or upon the condition that only the rents, income or profits shall go to the fund.

(2) All fines from disciplinary action against any member of the fire department.

All fines from violations of ordinances relative to fire prevention and protective regulations.

(4) All moneys, rewards or emoluments paid or given to the fire department or any of the fire companies.

(5) All revenues received from exhibitions, field days and other similar events promoted by members of the fire department.

(6) Assessments upon each member of the fire department of two percent of his salary, to be deducted from the salary, paid to the director of finance and paid by him into the pension fund.

(7) The proceeds of any taxes which may be levied, or other revenues which may be collected, by the City, and appropriated to the Firemen's Pension Fund by the legislative body of the City.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dis-

pensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. J. Holsclaw	Lilburn S. Rogers
Earl F. Ashcraft	Richard R. Houpt	Amos Runyan
Sidney Baer	Clyde S. Howard	Glenn Rushing
Levi Baker	D. W. Howard	Mrs. Rutherford
Bernhardt Bauer	M. G. Howard	Dr. K. N. Salyer
C. E. Baumgardner	Laban P. Jackson	LeRoy Saylor
Fred Beshear	Kerby Jennings	James J. Shannon
Isaac M. Blevins	Paul S. Jonas	Paul E. Shannon
Chas. J. Bronston	J. Ernest Jones	James S. Shaw
Mrs. Mary Burnett	L. H. Jones	Harry Smith
Chas. W. Burnley	W. E. McClure	John M. Spaulding
A. H. Calvert	F. G. Marquette	Chas. L. Spillman
Paul Carter	E. H. Martin	G. W. Steinford
Earl W. Christian	C. D. Moberly	John M. Stumbo
Robert Collins	Archie R. Moore	Albert Thomason
Everett T. Cooper	Walter Moorman	G. C. Thornton
Horace T. Cull	Fred H. Morgan	Wilford S. Travis
B. G. Davidson	E. C. Mullins	J. B. Veech
G. I. Drury	T. A. Noe, Jr.	W. J. Ward
Kermit Dwyer	Joe E. Nunn	John C. Watts
Henry J. Giles	H. S. Overby	Lawrence Watts
Otto W. Goff	H. M. Pewitt	Morris Weintraub
N. M. Hamilton	L. W. Preston	Lynn Boyd Wells
James P. Hanratty	E. F. Prichard	Rodney Whitlow
Dennis Henderson	Hobart Rayburn	G. F. Williamson
Carson Hibbitts	Ottis Roberts	Charles W. Wirsch
E. R. Hilton	F. L. Robinson	—80

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 96. An Act relating to motor carriers, as defined in KRS Chapter 281; with particular relation to reciprocity agreements with other states and the District of Columbia concerning taxes upon vehicles operated in interstate commerce.

With Committee amendment thereto.

Mr. Bronston moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 233. An Act pertaining to motor vehicles, including motor carriers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

I. That sub-section 8 of KRS 281.010 be amended to read as follows:

" 'Operator of a motor vehicle for hire' means any person who owns, controls, operates or manages any motor vehicle for hire for the transportation of persons or property on any

public highway, or any person who engages in the business of leasing motor vehicles for a compensation for the transportation of persons or property upon the public highways, but does not include a lessor where the lessee does not use the motor vehicle for the transportation, for hire, of persons or the property of other persons."

II. That a new section of the statutes is created to read as follows:

"The weight tax imposed by KRS 281.480 shall not apply to motor vehicles used exclusively for the transporation of used household goods, but the operator of such motor vehicles shall register said vehicles annually with the Division of Motor Transportation and pay a fee the same as set out in KRS 281.510 for the transportation of property for hire."

III. That a new section of the statutes is created to read as follows:

"Weight plates purchased under KRS 186.055 may be surrendered to the County Clerk and transferred by him in the same manner as is provided in KRS 281.540 sub-section 2 for the transfer of plates by the Director of the Division of Motor Transportation.

"When a motor vehicle for which weight plates are required under KRS 186.055 is placed in operation after January 1st of any year, the plates shall cost only the proportionate part of the unexpired months of such year."

Mr. Baer moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

Mr. Jennings moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to by a majority of the members elected.

Thereupon bills of the following titles were introduced, viz.:

By Mr. Jennings.

H. B. No. 338. An Act making an appropriation to carry out the provisions of KRS 171.050 (5).

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expeniture Fund in the State Treasury, to the Legislative and Law Library of the Department of Library and Archives, for each of the fiscal years 1948-1949 and 1949-1950, the sum of $5,000.00 to carry out the mandatory provisions of KRS 171.050 (5) requiring the cataloging of the Legislative and Law Library.

H. B. No. 339. An Act concerning the State Department of Library and Archives.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. 171.010 DEFINITIONS. As used in this chapter unless the 2 context requires otherwise,

(1) "Department" means the State Department of Library and Archives.

(2) "Library" means the State Library.

(3) "Librarian" means the State Librarian.

(4) "Material" includes books, publications, documents, manuscripts, maps, charts, periodicals, relics, exhibits and any other items regularly found in a library collection.

(5) "Society" means the Kentucky Historical Society.

Section 2. 171.020 FUNCTIONS. The department shall exercise all the administrative functions of the State relating to:

(1) The operation and maintenance of the library.

(2) The extension and improvement of library facilities and services.

(3) The preservation and cataloging of State archival material.

(4) The collection and preservation of material relating to the history of Kentucky and the diffusion of information concerning the history of Kentucky.

(5) The spread and increase of human knowledge.

Section 3. 171.030 ORGANIZATION. The department shall contain the following divisions:

(1) The Legislative and Law Library.

(2) The Library Extension Division.

(3) The Kentucky Historical Society.

Section 4. 171.040 THE STATE LIBRARY. The library shall include:

(1) The material in the possession of the Legislative and Law Library, the Library Extension Division and the Kentucky Historical Society.

(2) All other material in the possession of the department, except such copies of the Session Acts, the Kentucky Reports, Advance Sheets and Journals of the General Assembly as the librarian is required by KRS 57.290 to sell, distribute or exchange.

(3) Such other material as may be purchased by or given to or deposited in the library.

Section 5. KRS 171.040 is repealed.

Section 6. 171.050 STATE LIBRARIAN, APPOINTMENT; QUALIFICATIONS; DUTIES AND POWERS.

(1) The department shall be administered by a State Librarian appointed by the Governor.

(2) The librarian shall be a graduate of an accredited library school and shall have had at least four years library experience in an administrative capacity.

(3) The librarian shall:

(a) Administer the department.

(b) Keep a perpetual, modern and complete card shelf list and dictionary and subject catalogue of material.

(c) Take inventory every four years beginning with the year 1951 of all the material belonging to the library and report the inventory of each division to the trustees, committee or board of the division.

(d) Turn over to his successor records of separate inventories that were taken by him under this subsection and records of accessions of materials placed in the library during his term. He shall exercise care that no material be lost from the library during his term of office.

(4) The librarian may:

(a) Receive and obtain from the Federal Government grants of funds or materials that may be available to the State.

(b) Exchange with other libraries, whether within the State or not, duplicate copies of any material of consequence not essential to the proper functioning of the department or the library; except, when materials of the Legislative and Law Library are sold or exchanged under the provisions of KRS 171.105, the consent of the trustees of the Legislative and Law Library shall be necessary.

(c) By agreement with other departments and units of the State government arrange to extend to them the services and facilities of the library and establish branches of the library within those departments and units.

(d) Have photographs and reproductions made of materials that need such preservation or that cannot be obtained by the State as originals.

Section 7. 171.060 Deposit of State Publications in Library.

(1) Every state department or agency that issues annual, biennial or special reports, bulletins, circulars, manuals or similar material shall furnish the librarian five copies of those publications as issued for reference purposes and for deposit in the library as a part of the archives of the State, but if the librarian so requests, for distribution or exchange purposes, as many as one hundred copies of every such pub-

lication shall be supplied him. The state printer shall furnish all printed copies as soon as issued.

(2) If any state department or agency has more than two copies of any one biennial or special report, bulletin, circular, manual or other material previously issued, it shall, upon request of the librarian, supply the librarian for reference purposes and for deposit in the library as a part of the archives of the State, one or more copies of that publication.

(3) Historical and archival material in the possession of any state department or agency may, upon the request of the librarian and with the consent of the head of that department or agency, and shall, upon the request of the Governor, be deposited and preserved in the library. No material so deposited shall be removed from the library except by the head of the department or agency by which it was deposited, but the librarian may direct the material to be returned to the department or agency whence it came. No state department or agency shall in any way dispose of any historical or archival material without first informing the librarian. The librarian shall examine that material to determine if it is suitable for inclusion in the library. The librarian may deposit in the Kentucky Historical Society any material acquired under the provisions of this section.

Section 8. 171.070 Removal of Material From Library.

(1) The librarian shall have kept a record in which each item shall be charged to the person taking it from the library, and he shall see that all books are returned when due. Except as provided by KRS 171.050, 171.100, 171.110, 171.140 and 171.310 (5) (d), the librarian shall not dispose of any nonduplicate materials of the library or allow any such material to be disposed of.

(2) No person shall take any material from the library except in compliance with KRS 171.140 or the regulations of the library.

Section 9. 71.075 Recovery of Books Not Returned; Damaged Property.

(1) Any person who takes any material from the library in violation of KRS 171.070 or who fails to return any ma-

terial taken from the library by him or who damages property of the libraary shall be liable for double the value of the thing taken or double the damage to the property.

(2) The librarian shall in the name of the Commonwealth of Kentucky sue any such person in any court of Franklin County having jurisdiction of the amount involved.

Section 10. 171.990 PENALTIES. Any person violating any of the provisions of KRS 171.060 shall be fined not less than twenty-five ($25.00) dollars for each offense. Each item of material removed from the library contrary to the provisions of KRS 171.060 shall constitute a separate offense.

Ordered that said bills be printed and referred.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 260. An Act to repeal, amend and re-enact Sections 342.005, 342.020, 342.025, 342.040, 342.055, 342.070, 342.080, 342.095, 342.100, 342.105, 342.110, 342.120, 342.230, 342.270, 342.395 relating to Workmen's Compensation.

With Committee amendment thereto.

Mr. John C. Watts moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 69. An Act amending and re-enacting Section 381.580 of KRS relating to condemnation of private passways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 381.580 of the Kentucky Revised Statutes relating to the condemnation of private passways, be and the same is hereby amended and re-enacted by striking therefrom the words, "which shall not exceed twenty feet", and inserting in lieu thereof the following words, "which shall not exceed sixty feet", and that said section 381.580 when amended and re-enacted shall read as follows:

"Whenever it appears to a county court that it is necessary for a person to have a private passway over the land of one or more persons to enable him to attend courts, elections, a meeting house, a mill, warehouse, ferry, a railroad depot, most convenient to his residence, to have a private tramroad or haul road over the land of one or more persons to enable him to reach a warehouse, steamboat landing, ferry, railroad switch or navigable stream, for the purpose of operating and marketing the products from a lead mine, iron works, salt works, coal mine, fire clay and other minerals, oil well, stone quarry, sand bank or merchantable forest timber, the court shall appoint commissioners, as in case of a road. The commissioners after being sworn to discharge their duties faithfully and impartially shall go upon the land through which the passway, tramroad or haul road is proposed, whether arable or not, and shall report in writing to the court whether or not a private passway, tramroad or haul road is necessary for any of the purposes aforesaid. If the commissioners are favorable to the passway, tramroad or haul road, they shall, in their report, designate the exact route for the same by metes and bounds, courses and distances, and the width thereof, which shall not exceed sixty feet, and they shall determine and assess what will be a just compensation to each owner and tenant for the land proposed to be taken, in the same manner as upon application to open and establish a new road."

2. Whereas, the economic development of Kentucky is being impeded due to lack of sufficient outlets for the natural resources of the state, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Baer moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 237. An Act to amend Section 21, Civil Code of Practice, and extending the benefits thereof and adding a new section thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 21, Chapter 1, Title 3, of the Civil Code of Practice be amended by adding an additional section thereto to read as follows:

Section 2. The successors of any personal representative, guardian, curator, committee of a person of unsound mind, a receiver appointed by the court, the assignee or trustee of a bankrupt, and an assignee for the benefit of creditors may bring any action his predecessor may maintain under any section of any Code or Statute of the Commonwealth of Kentucky or under common law.

Mr. Shaw moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Speaker vacated the chair and designated Mr. Salyer as Speaker Pro Tem.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 215. An Act providing for payment from the proceeds of the sale of electrical energy, of water and gas service by publicly owned light, water or gas plants to the boards of education of public school districts in which property or properties of such publicly owned light, or water or gas plants may be located, and providing a method of determining the amount thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each board of education of a public school district in which is located the property or properties of a publicly owned light, water or gas plant may each year be paid by the governing board of such plant from the proceeds of the sale of electrical energy, water or gas an amount which shall not exceed that determined by multiplying the book value of the property or properties of such publicly owned light, water or gas plant as of the beginning of each year by the current tax rate levied for school purposes for the school district in which such property or properties may be located. "Book value," as used in this section, means the cost of tangible property plus additions, extensions and betterments, less reasonable depreciation or retirement reserve, and "year" as herein used shall mean the twelve-month period ending June 30. The book value so determined shall be in accordance with standard accounting practices and the books and records of the governing board of such plant or plants shall be subject to inspection by a representative of the board of education of the school district in which the property or properties of such plants may be located and to proper adjustment if found not to comply with the conditions herein stated.

Section 2. Amounts for any year, as provided in Section 1 of this Act, shall be paid to the board of education on or before January 1 of each year.

Section 3. This Act shall not apply to any publicly owned electric plant that is subject to the provisions of KRS 96.820.

Section 4. This Act shall be construed only as an enabling act and shall in no wise confer upon any Board of Education of a public school district authority to require this money to be paid to it.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	H. C. Patterson
Earl F. Ashcraft	E. R. Hilton	Amos Runyan
Levi Baker	D. W. Howard	Dr. K. N. Salyer
Fred Beshear	M. G. Howard	James J. Shannon
Chas. J. Bronston	Paul S. Jonas	Paul E. Shannon
Chas. W. Burnley	J. Ernest Jones	Harry Smith
Paul Carter	Ercel Kozee	John M. Spaulding
Earl W. Christian	Harry K. Lowman	Chas. L. Spillman
Everett T. Cooper	E. H. Martin	John M. Stumbo
Perry M. Cross	Walter Moorman	Wilford S. Travis
G. I. Drury	Fred H. Morgan	Morris Weintraub
Kermit Dwyer		

—34

Those who voted in the negative were—

Sidney Baer	A. H. Calvert	James P. Hanratty
Bernhardt Bauer	Horace T. Cull	Dennis Henderson
C. E. Baumgardner	Henry J. Giles	C. J. Holsclaw
Isaac M. Blevins	N. M. Hamilton	Richard R. Houpt

Clyde S. Howard	T. A. Noe, Jr.	Glenn Rushing
Ira W. Hulette	Joe E. Nunn	LeRoy Saylor
Kerby Jennings	H. S. Overby	G. W. Steinford
L. H. Jones	H. M. Pewitt	G. C. Thornton
W. E. McClure	L. W. Preston	W. J. Ward
F. G. Marquette	Hobart Rayburn	Lynn Boyd Wells
C. D. Moberly	Ottis Roberts	G. F. Williamson
E. C. Mullins	Lilburn S. Rogers	Charles W. Wirsch

—36

And so said bill was rejected.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 214. An Act amending KRS 23.150, relating to practice in Circuit Courts other than those of continuous session.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 23.150 of the Kentucky Revised Statutes is hereby amended to read as follows:

"The judge of each circuit court, other than those of continuous session, may make or direct in vacation or term time at his chambers, at the circuit clerk's office or at any other place in any county in the district, any order, rule, judgment or decree in any proceeding, whether at law or in equity or on the criminal docket, upon reasonable notice to the parties or their attorneys of record, except where trial by jury is called for or ordered by the court. Actions or proceedings which have not yet been docketed, but in which the defendants if summoned in the county have been summoned ten days, or if summoned out of the county have been summoned twenty days, or if constructively summoned the warning order has been made sixty days, may in like manner and upon reasonable notice be docketed in vacation or term time, and thereafter orders may be made and judgments entered therein in vacation or term time in accordance with the provisions of

the Civil Code of Practice or any applicable statue. In any action or proceeding so docketed either in vacation or term time, the answer or other responsive pleading, if not theretofore due, shall be due in ten days after the case is docketed, and the reply or other pleading responsive to the answer shall be due in ten days after the answer is filed or the case docketed, whichever occurs later, but the time for filing any pleading may be extended by the court. Pleadings filed in vacation under this section may be filed in the clerk's office with the same effect as if filed in court, and the clerk shall enter an order showing the filing of any such pleading. If a party be a non-resident not represented by counsel, the notice herein mentioned may be given to the warning order attorney, and in the case of a party under disability the notice may be given to the guardian ad litem, if there is one, or if not, to the person upon whom summons for such party would be required to be served."

Mr. Jackson moved the Previous Question.

Whereupon, the Speaker Pro Tem announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Clyde S. Howard	H. M. Pewitt
Roy W. Arnold	D. W. Howard	Lilburn S. Rogers
Earl F. Ashcraft	Ira D. Hulette	Amos Runyan
Sidney Baer	Laban P. Jackson	Glenn Rushing
Levi Baker	Kerby Jennings	Mrs. Rutherford
Bernhardt Bauer	Paul S. Jonas	Dr. K. N. Salyer
Isaac M. Blevins	J. Ernest Jones	Paul E. Shannon
Chas. J. Bronston	Ercel Kozee	Harry Smith
Mrs. Mary Burnett	Harry K. Lowman	John M. Spaulding
Chas. W. Burnley	W. E. McClure	Chas. L. Spillman
A. H. Calvert	F. G. Marquette	G. W. Steinford
G. I. Drury	E. H. Martin	G. C. Thornton
Otto W. Goff	Walter Moorman	Wilford S. Travis
N. M. Hamilton	Fred H. Morgan	W. J. Ward
James P. Hanratty	E. C. Mullins	Morris Weintraub
Carson Hibbitts	T. A. Noe, Jr.	Lynn Boyd Wells
C. J. Holsclaw	H. C. Patterson	—50

Those who voted in the negative were—

Paul Carter	L. H. Jones	Ottis Roberts
Everett T. Cooper	C. D. Moberly	D. B. Saylor
Kermit Dwyer	Joe E. Nunn	LeRoy Saylor
Dennis Henderson	H. S. Overby	James J. Shannon
M. G. Howard	Hobart Rayburn	Charles W. Wirsch
		—15

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hubbard moved that the rules be suspended for the purpose of allowing a Report of Committee.

Said motion was agreed to by a majority of the members elected.

Thereupon Mr. Hubbard of the Committee on Fish and Game, to which the same had been previously referred, reported bills of the following titles, viz.:

H. B. No. 283. An Act relating to game and fish and the Division of Game and Fish.

H. B. No. 282. An Act to prohibit the sale, purchase, barter, exchange or trade of wild rabbits; to prohibit the possession of wild rabbits for sale, barter, exchange or trade and to prohibit an attempt to sell, purchase, barter, exchange or trade wild rabbits.

H. B. No. 160. An Act relating to game and fish, amending Section 150.445 of the Kentucky Revised Statutes.

With Committee amendment to said bill by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act relating to game and fish; amending KRS 150.445 and subsection (2) of KRS 150.450.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 150.445 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take fish by the use of a trot line, hand line, set line, throw line, or snag line that is longer than the width of the stream in which it is used at the point where such line is used.

(2) No person shall, within seven hundred yards of the Kentucky Dam on the Tennessee River at Gilbertsville, unless a shorter distance is prescribed by the division, nor within two hundred yards of any other lock and dam on a navigable stream, take fish other than by pole and line in hand, or place or use any trot line, hand line, set line, throw line, or snag line.

§ 2. Subsection (2) of 150.450 of the Kentucky Revised Statutes is amended to read as follows:

(2) Any person may take by the use of licensed seines, the mesh of which is not less than two inches square, or by the use of licensed hoop nets without wings, or with wings in the Mississippi River only, any fish from the navigable streams of this state. But no person shall take any fish by seines or nets or place any seine or nets in any of these streams within two hundred yards of the mouth of any stream entering into those waters, nor within two hundred yards of the mouth of any navigable stream within the state, nor nearer than seven hundred yards below Kentucky Dam on the Tennessee River at Gilbertsville, unless the division prescribes a lesser limit with respect to such dam, nor within two hundred yards of any other lock or dam located on a navigable stream, nor above the last lock or dam in any navigable stream. Any fish protected by this Chapter caught in seines or nets shall immediately be returned without injury to the waters from which taken.

H. B. No. 281. An Act relating to game and fish particularly to fishing licenses.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 262. An Act to amend Subsection 32 of Section 23.050 of Kentucky Revised Statutes pertaining to terms of court in the thirty-second judicial district.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section (32) of Section 23.050 of Kentucky Revised Statutes be amended so that when amended it shall read as follows:

Boyd County, at Catlettsburg, on the first Monday in January, the first Monday in February, the first Monday in April and the first Monday in May, thirty juridical days each; on the second Monday in September, twenty-four juridical days; on the second Monday in November, thirty juridical days.

Lawrence County, at Louisa, on the second Monday in March, the second Monday in June and the second Monday in October, eighteen juridical days each.

Mr. Lowman moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 151. An Act relating to Master Commissioners of Circuit Courts, and providing a salary therefor in certain Circuit Courts having continuous session.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is hereby created, same to be numbered 64.265, and which will read as follows:

(1) In Circuit Courts having continuous session, except as otherwise provided by KRS 64.270, the master commissioner shall, in addition to other fees provided by law, receive and be paid by the fiscal court of the county wherein said circuit court is held an annual salary in a sum not less than $1,200.00 and not exceeding $3,000.00 to be fixed by order of

said circuit court and said salary shall be paid in equal monthly installments commencing with the date the order of said circuit court shall be by the clerk thereof certified to said fiscal court.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Dennis Henderson	E. C. Mullins
Roy W. Arnold	Carson Hibbitts	T. A. Noe, Jr.
Earl F. Ashcraft	C. J. Holsclaw	Joe E. Nunn
Levi Baker	Clyde S. Howard	H. S. Overby
Fred Beshear	D. W. Howard	H. M. Pewitt
Chas. J. Bronston	M. G. Howard	L. W. Preston
Mrs. Mary Burnett	R. N. Hubbard	E. F. Prichard
Chas. W. Burnley	Ira W. Hulette	Hobart Rayburn
Everett T. Cooper	Laban P. Jackson	Ottis Roberts
Perry M. Cross	Kerby Jennings	F. L. Robinson
Horace T. Cull	Paul S. Jonas	Lilburn S. Rogers
G. I. Drury	J. Ernest Jones	Amos Runyan
Kermit Dwyer	L. H. Jones	Glenn Rushing
Henry J. Giles	F. G. Marquette	Mrs. Rutherford
Otto W. Goff	C. D. Moberly	Dr. K. N. Salyer
N. M. Hamilton	Archie R. Moore	D. B. Saylor
James P. Hanratty	Walter Moorman	James J. Shannon

Paul E. Shannon	G. W. Steinford	W. J. Ward
James S. Shaw	Albert Thomason	Morris Weintraub
Harry Smith	G. C. Thornton	Lynn Boyd Wells
John M. Spaulding	Wilford S. Travis	Charles W. Wirsch
Chas. L. Spillman		—64

Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 200. An Act relating to juries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. 29.070 of the 1946 edition of the Kentucky Revised Statutes is amended to read as follows:

(1) The jury commissioners shall take the last returned tax commissioner's book for the county; except in counties containing a city of the second class and a court of continuous session, in which counties the jury commissioners shall take the last returned registered election voters' book for the county; and from it shall carefully select from the intelligent, sober, discreet and impartial citizens, resident housekeepers in different portions of the county, over twenty-one years of age, the following number of names of such persons:

(a) In counties having a population of ten thousand or less, not less than one hundred and sixty-two nor more than two hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than one hundred and sixty-two nor more than three hundred.

(e) In counties having a population of more than one thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

(2) They shall place the name, and in counties containing a city of the first, second or third class, the address, of each person so selected, on a small slip of paper, each slip being as near the same size and appearance as practicable. In counties having courts of continuous session in which the commissioners have employed a typist, the typist shall type the names on the slips; in other counties the commissioners shall write the name on the slips in plain handwriting. Each slip shall be by them enclosed in a small case and deposited, unsealed, in a revolving drum, but before depositing any of the slips in the drum they shall carefully examine its contents and remove and destroy any slips found therein.

(3) The slips of paper upon which are written the names of persons placed by the commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on the list.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Kerby Jennings	Lilburn S. Rogers
Roy W. Arnold	Paul S. Jonas	Amos Runyan
Earl F. Ashcraft	J. Ernest Jones	Glenn Rushing
Levi Baker	Ercel Kozee	Mrs. Rutherford
Chas. W. Burnley	Harry K. Lowman	Dr. K. N. Salyer
A. H. Calvert	W. E. McClure	Paul E. Shannon
Everett T. Cooper	F. G. Marquette	James S. Shaw
G. I. Drury	E. H. Martin	Jesse H. Shelton
Kermit Dwyer	C. D. Moberly	Harry Smith
N. M. Hamilton	Archie R. Moore	John M. Spaulding
James P. Hanratty	Walter Moorman	G. W. Steinford
Dennis Henderson	Fred H. Morgan	Albert Thomason
Carson Hibbitts	E. C. Mullins	G. C. Thornton
E. R. Hilton	Joe E. Nunn	Wilford S. Travis
C. J. Holsclaw	H. C. Patterson	W. J. Ward
Richard R. Houpt	H. M. Pewitt	Lawrence Watts
Clyde S. Howard	E. F. Prichard	Morris Weintraub
D. W. Howard	Ottis Roberts	Lynn Boyd Wells
M. G. Howard	F. L. Robinson	Charles W. Wirsch
Ira W. Hulette		

—58

There voted in the negative—

T. A. Noe, Jr. —1

Resolved that the title thereof be as aforesaid.

Mr. Steinford moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Arnold moved that the House do now adjourn to meet again at 10 o'clock, a. m., Friday, February 20, 1948.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 20, 1948

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, pastor of the Episcopal Church, of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	E. R. Hilton	L. W. Preston
Roy W. Arnold	C. J. Holsclaw	E. F. Prichard
Earl F. Ashcraft	Clyde S. Howard	Hobart Rayburn
Sidney Baer	D. W. Howard	Ottis Roberts
Levi Baker	M. G. Howard	Lilburn S. Rogers
Bernhard Bauer	R. N. Hubbard	Amos Runyan
C. E. Baumgardner	Ira W. Hulette	Glenn Rushing
Fred Beshear	Laban P. Jackson	Mrs. Rutherford
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	Paul S. Jonas	D. B. Saylor
Mrs. Mary Burnett	J. Ernest Jones	LeRoy Saylor
Chas. W. Burnley	L. H. Jones	James J. Shannon
A. H. Calvert	Ercel Kozee	Paul E. Shannon
Paul Carter	Harry K. Lowman	Jesse H. Shelton
Earl W. Christian	W. E. McClure	Harry Smith
George I. Cline	Ed Marcum	John M. Spaulding
Everett T. Cooper	F. G. Marquette	Chas. L. Spillman
Perry M. Cross	E. H. Martin	G. W. Steinford
Horace T. Cull	C. D. Moberly	John M. Stumbo
B. G. Davidson	Archie R. Moore	Albert Thomason
Owen Deering	Davis Moore	G. C. Thornton
G. I. Drury	Walter Moorman	Wilford S. Travis
Kermit Dwyer	Fred H. Morgan	J. B. Veech
Henry J. Giles	E. C. Mullins	W. J. Ward
Otto W. Goff	Stanley Murphy	John C. Watts
Henry C. Hale	Joe E. Nunn	Lynn Boyd Wells
N. M. Hamilton	H. S. Overby	G. F. Williamson
James P. Hanratty	H. C. Patterson	Charles W. Wirsch
Carson Hibbitts	H. M. Pewitt	

Mr. Salyer moved that the reading of the Journal of the House of the proceedings of Thursday, February 19, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Clyde S. Howard offered the following resolution, viz.:

H. Res. A. A Resolution requesting the Secretary of Agriculture, Clinton P. Anderson, to rescind the order directing a ten percent reduction in burley tobacco acreage.

Be it Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Secretary of Agriculture, Clinton P. Anderson, be and he hereby is requested, by virtue of his authority, to rescind the order directing a ten percent reduction in burley tobacco acreage.

Section 2. The Clerk of the House of Representatives is hereby directed to send copies of this resolution to Clinton P. Anderson, Secretary of Agriculture, and U. S. Senators A. W. Barkley, and John S. Cooper, and Congressmen Frank L. Chelf, Virgil Chapman, Noble Gregory, Brent Spence, Joe Bates, Howell Meade, and Thurston Morton.

Mr. Clyde S. Howard moved that the House do now adopt said resolution.

Mr. Prichard moved that said resolution be laid on the Clerk's desk.

Said motion as made by Mr. Prichard was disagreed to.

Said motion as made by Mr. Clyde S. Howard was then agreed to.

And thereupon said resolution was adopted.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in the House of the following title, viz.:

H. B. No. 33. An Act relating to the time for holding the sessions of Circuit Court in the Thirty-fourth Judicial District.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had passed bills and resolutions which originated in that body of the following titles, viz.:

S. B. No. 13. An Act amending Sub-section (5) (h) of Section 341.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sub-section (5) (h) of Section 341.050 of the Kentucky Revised Statutes is amended to read as follows:

"(h) Service performed in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, or any perpetual care non-profit cemetery association, corporation or its trusteeship, no part of the net earnings of which inures to the benefit of any shareholders or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation."

S. B. No. 97. An Act to amend and re-enact Section 616 Civil Code of Practice relating to security for costs to be given by non-residents and corporations and excepting banks and building and loan associations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 616 of the Civil Code of Practice is hereby repealed, amended and re-enacted, so that when so re-enacted it shall read as follows:

A plaintiff who is a nonresident of this State, or a corporation other than a bank or building and loan association created by the laws of this State or a Federal savings and loan association chartered under Act of the Congress of the United States, before commencing an action, shall file in the clerk's office a bond of sufficient surety, to be approved by the clerk, for the payment of all costs which may accrue in the action in the court in which it is brought, or in any other to which it may be carried, either to the defendant or to the officers of the courts.

S. B. No. 163. An Act to amend sub-section (32) of Section 23.050 of Kentucky Revised Statutes pertaining to terms of court in the Thirty-second Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section (32) of Section 23.050 of Kentucky Revised Statutes be amended so that when amended it shall read as follows:

Boyd County, at Catlettsburg, on the first Monday in January, the first Monday in February, the first Monday in April, and the first Monday in May, thirty juridical days each; on the second Monday in September, twenty-four juridical days; on the second Monday in November, thirty juridical days.

Lawrence County, at Louisa, on the second Monday in March, the second Monday in June and the second Monday in October, eighteen juridical days each.

S. B. No. 195. An Act relating to the payment of state checks, clearance of outdated state checks from the treasurer's records and providing for the payment of outdated checks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any check issued by the State Treasurer shall not be valid as an order for payment after one year from its date of issue and this limitation shall appear on all checks issued. The State Treasurer is authorized to clear his records of all such unpaid checks and credit the amounts to the General Expenditure Fund.

When any properly endorsed check issued by the State Treasurer is presented for payment more than one year after its date of issue and within the period prescribed by Kentucky Revised Statutes, Section 413.120, the State Treasurer shall, upon satisfactory proof of ownership, cancel such check and forward it to the Commissioner of Finance with the date and number of the Pay-In-Voucher, which credited the amount of such check to the General Expenditure Fund. The Commissioner of Finance shall draw a warrant against the check. All endorsements on the surrendered check shall have the same effect as if the check were paid by the drawee. All checks paid in the manner herein set forth shall be charged against the General Expenditure Fund.

S. Res. No. 13. A Joint Resolution authorizing the payment of the claim of G. B. Taylor, of Greensburg, Kentucky, for traveling expenses incurred while serving as a member of the County Boundary Commission established by Chapter 179 of the Acts of 1944, and appropriating the necessary sum to pay the claim.

Said resolution is as follows, viz.:

Whereas, G. B. Taylor, of Greensburg, Kentucky, was duly appointed as a member of the County Boundary Commission created by Chapter 179 of the Acts of 1944, and while serving as a member of the Commission incurred traveling expenses in the amount of $47.67, and

Whereas, through inadvertence, the claim for such traveling expenses was not submitted until after the end of the 1945-1946 fiscal year, at which time the appropriation for expenses of the Commission had lapsed, Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $47.67 is hereby appropriated out of the General Expenditure Fund in the State Treasury, to pay the claim of G. B. Taylor, of Greensburg, Kentucky, for traveling expenses incurred while serving as a member of the County Boundary Commission created by Chapter 179 of the Acts of 1944, and the Department of Finance shall draw its warrant for such amount upon the State Treasurer, in favor of the said G. B. Taylor.

S. Res. No. 18. Resolution authorizing Marion Jackson Givens to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, G. D. Jackson died intestate during the year 1937, and at the time of his death claimed to be the owner of two-thirds of 200 acres of land located in Laurel County, Kentucky, and also claimed to be the owner of six-sevenths of approximately 500 acres of land located in Laurel County, Kentucky, and;

Whereas, Marion Jackson Givens, the daughter and sole heir of G. D. Jackson, deceased, is now claiming an undivided interest in said real estate; and,

Whereas, the Commonwealth of Kentucky is claiming title to said land and has taken possession thereof and is now in possession of said land and same is now being used by the Department of Conservation for the operation and maintenance of a park known as Levi Jackson Park; and,

Whereas, no deed was ever made to the Commonwealth of Kentucky, nor any consideration paid by the Commonwealth of Kentucky or any sub-division thereof to G. D. Jackson, or to Marion Jackson Givens for said property; and,

Whereas, since the Commonwealth of Kentucky has had charge of said property it has used same by renting it for the cultivation of crops, has attempted to lease the oil and mineral rights thereof and that some of the buildings have been destroyed by fire or otherwise, and the Commonwealth received the benefit of the insurance thereon; and,

Whereas, the Commonwealth of Kentucky has refused to acknowledge the claim of the said Marion Jackson Givens and is still holding possession of the land; and,

Whereas, for the purpose of settling this dispute as to the title of said land and to have said land divided, it is necessary that consent thereto be given by the General Assembly of the Commonwealth of Kentucky,

Therefore, Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Marion Jackson Givens be, and she is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Laurel Circuit Court for the purpose of determining the following questions:

1. Whether the said Marion Jackson Givens has any interest in the following described real estate:

Beginning at a large poplar on west bank of Lick Branch, third corner to John Freeman 200 acres and first corner to George M. Freeman 125 acres and in line of George Brooks' 700 acres, Freeman 125 acres and Brooks' 700 acres S 51.45 E 47.7 poles to a white oak in said line and corner to Elias Ellison's land, leaving said line and with Ellison line N 32 E 55 poles to a stone and rotten stump in the old fence row, the fourth corner of the Freeman 125 acres; with Freeman's line N 4.15 E 133 poles to a stake at Evans' fence and at the end of the Jackson wire fence and in the Freeman line; N 57 W. 41.9 poles to a stake and maple near the old fence row and on east side of Lick Creek and down the Creek S 87.45 W 10.9 poles to a stake at or near the water gap; N 37.30 W 23 poles, crossing the creek to a stake in the Freeman east line of the 200 acres; N 3.15 E 30 poles to a stake, Freeman's north east corner of the 200 acres, and northwest corner of the 125 acres; N 85.30 W 30 3/4 poles to a large sweet gum and two oak saplings at the corner of the old fence row, the first corner of Freeman's 200 acres, also corner to G. G. Finley's land. This gum has two marks on west side; leaving Freeman's 200 acres and with Finley's line N 4 E 132 1/2 poles to a cherry tree, now marked, and an oak stump on south bank of old branch bed and I marked the cherry tree, Jackson and Finley both

being present; leaving Finley's line and up the branch as it meanders N 33.15 W 9.2 poles to a gum; S 63.30 W 11 poles; N 79.30 W 17 poles; N 32.18 W. 25.8 poles to a stone on the west bank of the branch, Jarbe Moore's corner; leaving the branch and with Moore's line S 51.45 W. 19 poles to two black oaks at corner of Moore's fence, one marked and the other not marked; N. 59.15 W 62.3 poles to a stake on the top of the ridge; N 14.15 W 42.7 poles to a spotted oak; N 54.45 W 22.2 poles to two post oaks on the ridge; N. 26.45 W. 23.2 poles to a stake east of a white oak 17 lengths marked F&A ten or E & W; N 4 E. 4 poles to Moore's fence and line; N. 86 W. with fence to a stake, Moore and Yaden corner, 74.8 poles to a stone in side line Yaden corner; S. 7.45 E 115 poles to a stake, Wm. Walden's south east corner; S 86.30 W. 61 poles to a stone on the east side of the State Road, Walden's southwest corner and in Ella Jackson's east line; S 20.45 E. 13.4 poles to a stake on the east side of the road; Jackson's southeast corner; N. 86.30 W. crossing the road 70 poles at a stake set by S. A. Mori N. 20.45 W. 96.7 poles to a stake at Nantz's fence; S 58.55 W. passing through Nantz's field 83.4 poles to a gum line tree marked on east and west sides, and in all 102.7 poles to two white oak stumps in the east bank of Little Laurel River; down the river S. 46.30 W. 6 poles; S. 40 W. 13 1/2 poles to a stake in the river and supposed to be the beginning to Rochester deed made to Jackson; leaving the river and with the Brooks' line, S 50.30 E 279.6 poles to a stone in the said line and at the northeast corner of the Catching field and Glade Branch; leaving the Brooks line and with an agreed line between Ella Jackson, C. C. Harkleroad and Brock S. 17 W. 54.1 poles to a stone in an old fence row, Harkleroad's southeast corner and Brock's northeast corner; S 12.17 W. 25 poles to a stake in the old fence row, Brock's south east corner; S. 13.50 E 4.8 poles to a stake, Watkins' northeast corner of Lewis' last or northeast corner to his 4 1/2 acre survey on the west side of Glade Branch; S. 3 E. 15.8 poles to a post oak on the west side of said branch; S. 7.56 W. 24.7 poles to a black oak on the west bank of Glade branch; N. 51.45 W. 19 poles to a maple, second corner to Lewis' 4 1/2 acre tract; S. 15.45 E. 41.7 poles to a white oak stump on the east bank of Glade Branch; thence down said branch S. 24.30 E.

15 1/2 poles to a pin oak on the west bank of Glade Branch; thence down said branch S. 24.30 E 15 1/2 poles to a pinoak on the west bank of Glade Branch; S. 66.30 E. 10.4 poles to a burr oak on the east bank and one pole above the spring; S. 2.15 W. 10.1 poles to a stake on the east bank; S. 22 E. 17 poles to a stake on the west bank; S. 36 E. 10.7 poles to a black gum on the east bank; S. 5 W. 9.2 poles to a white oak on the east bank; S. 30 E. 26 poles to a stake on the west bank; S. 8.30 W. 13 poles to a stake on the east bank opposite and above the mouth of a branch, Watkins and Lock's corner; leaving Watkins and with Lock's line and down the said branch S. 34.45 E. 12.2 poles; S. 41 E 7.2 poles; S. 44.30 W. 8.2 poles; S. 67 E. 8 poles; S. 38.15 E. 13.1 poles; S. 22 E. 8.7 poles, S. 63.45 E. 6.9 poles; S. 23.30 E. 7.2 poles; S. 29.30 W. poles to a large white oak on the east side of the branch and in the county road; leaving the branch and with the road; N 65.30 E. 36.9 poles; N 86 E. 30.9 poles to a stake in the road and in the Jackson and Black's line; with said line; N. 39.53 E. 155 1/2 poles to a dead black oak in the road and at the corner of Watkins fence and in the Brooks and Freeman line; S. 50 22 E. 60 poles to the beginning, containing 915.7 acres. (C. A. Baker's survey, 1912-15). And excepting the approximately 305 acres previously deeded to the Commonwealth of Kentucky.

2. If she has in interest to file suit for the purpose of having said property divided between Marion Jackson Givens and the Commonwealth of Kentucky, according to their respective interests and to sue the Commonwealth of Kentucky for an accounting for any damages done to said real estate and recover her proportionate part of any profits made by the Commonwealth of Kentucky or other sums collected by it. In the event any judgment is recovered by Marion Jackson Givens in said suit as damages to her property, it shall be paid by the Treasurer of the Commonwealth of Kentucky out of the general fund.

Either the Commonwealth or Marion Jackson Givens shall have the right of appeal as in any other civil case.

No statement in this resolution shall be considered by either the court or a jury and this resolution shall not be intro-

duced as evidence for either party nor commented upon by counsel in argument to the court or a jury.

S. Res. No. 20. A Joint Resolution authorizing Maude Turner Herald to file suit against the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School, or any one or more of them.

Said resolution is as follows, viz.:

Whereas, On February 22, 1943, Maude Turner Herald, a resident of Coombs, Perry County, Kentucky, was seriously and permanently injured while working as an electric welder at the Mayo State Vocational School or a branch thereof in Perry County, Kentucky. Said Mayo State Vocational School was under the control and supervision of the State Board of Education, and said State Board of Education is an authorized agency of the Commonwealth of Kentucky. While working as an electric welder, said Maude Turner Herald was injured as a result of the negligence and carelessness of the Mayo State Vocational School, the State Board of Education and the employees and agents of the Commonwealth of Kentucky in their failure to furnish her a safe place in which to work. Said Maude Turner Herald was injured when an emery wheel broke in two and a portion of it struck Maude Turner Herald on the head. Said emery wheel was defective and lacked necessary safety guards.

Whereas, her injuries and damages are in an amount greater than $1,000.00 and, therefore, her claim is not one that can be brought properly before the Board of Claims as provided for in KRS 176.290.

Now, in order that Maude Turner Herald may have her day in court to determine by judicial action the question of negligence, if any, causing injuries aforesaid,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Maude Turner Herald or, in the event of her death before or during the prosecution of this action to its final

in the amount of $58.75 in returning to Pike County, Kentucky, certain fugitives from justice, and he is justly entitled to be reimbursed for such expenses:

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated, out of the General Expenditure Fund in the State Treasury, the sum of $58.75 for the purpose of paying the claim of J. C. Williamson, of Pikeville, Kentucky, for expenses in returning certain fugitives from justice, and the Commissioner of Finance is directed to draw his warrant upon the State Treasurer, in favor of the said J. C. Williamson, for the amount so appropriated.

S. Res. No. 23. A Joint Resolution authorizing Ancil Smith and Maud Smith, of Harlan County, Ky., to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, Ancil Smith and Maud Smith, of Harlan County, Kentucky, are the owners of certain real estate located in the town of Baxter, Harlan County, Kentucky, which real estate they allege has been damaged by negligence of the Department of Highways of Kentucky, and its agents, officers and employes, in the construction, maintenance and draining of a state highway adjacent to said real estate particularly by reason of water being diverted upon said real estate in such a way as to damage the structures located upon said real estate and to require the owners thereof to expend substantial sums for repairs, replacements, and protective walls;

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Ancil Smith and Maud Smith, of Harlan County, Kentucky, are authorized to sue the Commonwealth of Ken-

conclusion, her executor or administrator or, in the event that she become incompetent as the result of this injury, her committee be and she is hereby empowered and authorized to sue the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School or any one or more of them, in the Perry Circuit Court or the Franklin Circuit Court, for damages resulting from personal injuries, medical expense and lost time caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School while said employees were in the line of duty as agents of the Commonwealth of Kentucky and while acting within the scope of their authority.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable. Said suit shall not be for a sum in excess of $15,000.00.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

The statute of limitations shall not begin to run in favor of the Commonwealth until this act becomes effective.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

S. Res. No. 21. A Joint Resolution authorizing and directing the payment of the claim of J. C. Williamson, of Pikeville, Ky., for the return of certain fugitives from justice, and making an appropriation for that purpose.

Said resolution is as follows, viz.:

Whereas, J. C. Williamson, of Pikeville, Kentucky, while serving in the capacity of a public officer, incurred expenses

tucky, and the Department of Highways of Kentucky, or either, in the Harlan Circuit Court, for property damage alleged to have been caused by the Department of Highways and its agents, officers and employes in the construction, maintenance and draining of a state highway adjacent to the real estate owned by said Ancil Smith and Maud Smith in the town of Baxter, Harlan County, Kentucky.

Said suit shall be in a sum not to exceed $1,150.

The Attorney-General may investigate the claim and settle the same before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney-General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence nor commented upon by counsel in the argument of the case to the jury.

S. Res. No. 24. A Joint Resolution authorizing Fred Sloan, Administrator of the estate of Clayton Sloan to sue the Commonwealth of Kentucky; and the Department of Welfare.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Fred Sloan as Administrator of Clayton Sloan, is authorized to sue the Commonwealth of Kentucky, in the Lee or Owsley Circuit Court for damages and injury caused by the loss of services to the estate of his said son by reason of the neglectful and willful conduct of the employees of the Commonwealth of Kentucky, which caused the immediate death of his son, while his said son was in custody of said

officers and agents of the Commonwealth of Kentucky and that by reason of the neglect and carelessness of the Department of Welfare that his said son, Clayton Sloan, a boy of twenty or twenty-one years of age was neglectfully, wrongfully and unlawfully caused to be placed in the room with, and to sleep with habitual criminals, so known to be, and allowed and forced his said son to use the same bedroom with dangerous, habitual criminals and while in said room with one Charles Smith, an habitual and confirmed criminal who had killed several men and was notoriously vicious and brutal, that the said habitual criminal attacked his said son at night and actually cut his head off, from which he then and there died. That the said sum shall not be in excess of Ten Thousand ($10,000.00) Dollars; and the Attorney General of the Commonwealth of Kentucky may investigate said claim herein and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals.

No statement in this Resolution shall be considered by either the Court or Jury as an admission of negligence on the part of the Commonwealth and this Resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

S. Res. No. 26. A Joint Resolution authorizing James Daniel Chancey, Louisville, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That James Daniel Chancey, of Louisville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Franklin Circuit Court for personal injuries and permanent

physical impairment alleged to have been sustained by him in the line of duty while serving as a member of the Kentucky National Guard, and while on active duty in Harlan County, Kentucky, during the summer of 1939.

Said suit shall be in a sum not to exceed Seven Thousand Five Hundred ($7,500.00) Dollars.

The Attorney-General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, as he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney-General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event the suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

S. Res. No. 28. A Joint Resolution authorizing the statutory guardian or next friend of Douglas Eversole to sue the Commonwealth of Kentucky and the Department of Agriculture.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Statutory Guardian or next friend of Douglas Eversole, an infant fifteen years of age, is authorized to sue the Commonwealth of Kentucky, Department of Agriculture for damages resulting from injury by loss of services and permanent impairment of his ability to labor and earn money and that said injuries were caused by being negligently run over and against by a truck of the Defendant, which caused his leg to be broken and also his hip to be broken and crushed

and that he has been rendered a permanent cripple by and through the neglect of the Commonwealth of Kentucky and the Department of Agriculture. That said suit shall be for a sum not exceeding $25,000.00. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance on the State Treasurer.

In the event a suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

No statement in this resolution shall be considered by either the Court or Jury as an admission of negligence on the part of the Commonwealth and this Resolution shall not be introduced as evidence nor commented up on by counsel in argument to the jury.

S. Res. 31. Joint Resolution authorizing the removal of an unrealized account carried on the account records of the Department of Finance and the Department of the Treasury.

Said resolution is as follows, viz.:

That, whereas, the Department of Finance and the Department of the Treasury are carrying an amount of $6,562.40 on their account records as a "Cash In Closed Bank" item, and

Whereas, this amount represents an unrealized balance of a deposit with the Peoples Bank of Louisville, Kentucky, and

Whereas, a judgment has been entered in the Jefferson Circuit Court, Chancery Branch, First Division, Case No. 278-242, on October 12, 1943, representing final liquidation by the Department of Banking of the Peoples Bank of Louisville, and

Whereas, there being no further assets for realization of the balance carried on the records of the Department of Finance and the Department of the Treasury,

Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, the Commissioner of Finance and the Treasurer are hereby authorized to cancel out and remove from their account records the balance of $6,562.40, item of "Cash In Closed Bank."

Ordered that said bills and said resolutions be printed and referred.

Mr. Hulette offered the following resolution, viz.:

H. Res. No. 40. A Concurrent Resolution memorializing the Congress of the United States in regard to the including of maintenance and other noninstructional employes of boards of education in any program for the extension of social security.

Whereas, the various states provide retirement benefits for the instructional employes of their school systems through teachers' retirement systems, but no provision is generally made in such systems for the retirement of noninstructional employes; and

Whereas the efficiency of the school systems of the various states requires that some provision be made for the economic security of aged and infirm noninstructional employes; and

Whereas the Federal social security system is best adapted to provide security for such employes;

Now Therefore

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate Concurring Therein:

That the Congress of the United States is memorialized to provide for the including of maintenance and other noninstructional employes of the school system of the various states in any extension of the social security program.

That the clerk of the House of Representatives is directed to forward a copy of this resolution to each Senator and Representative in Congress from Kentucky and to the clerk of the Senate and House of Representatives of Congress.

Mr. Hulette moved that the House do now adopt said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz.:

By Mr. L. H. Jones.

H. B. No. 340. An Act relating to the penalties for the violation of the local option law, particularly with respect to traffic in or possession of alcoholic beverages in dry territory.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 242.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 242.230 shall, if a natural person, be confined in the penitentiary for not less than one nor more than two years, and if a corporation, be fined not less than one thousand nor more than two thousand dollars.

(2) Any officer who violates subsection (2) of KRS 242.370 shall be fined not less than one hundred nor more than five hundred dollars.

(3) Any person who violates any of the provisions of this chapter, for which no other penalty is herein provided, shall, for the first offense, be fined not less than twenty nor more than one hundred dollars and, if a natural person, imprisoned in the county jail for not less than thirty nor more than sixty days; for the second offense he shall be fined not less than forty nor more than two hundred dollars, and if a natural person, imprisoned in the county jail for not less than sixty nor more than one hundred and twenty days; for the third and each subsequent offense he shall, if a natural person, be confined in the penitentiary for not less than one nor more than two years, and if a corporation, be fined not less than one thousand nor more than two thousand dollars.

(4) Quarterly courts, justices of the peace and police courts shall have concurrent jurisdiction with the circuit court in the trial of all offenses committed under this chapter, where the penalty does not exceed a fine of one hundred dollars and imprisonment in the county jail for not exceeding sixty days.

By Mr. Clyde S. Howard.

H. B. No. 341. An Act to amend KRS 278.050, relating to the Public Service Commission.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Public Service Commission shall consist of three members appointed by the Governor. One of the members shall be appointed from a list of not less than three names nor more than seven names agreed upon and submitted to the Governor by a majority of the public or quasi-public corporations that are operating utilities subject to the provisions of this chapter. Another of the members shall be appointed from a similar list agreed upon and submitted to the Governor by a majority of the private corporations or

other private persons who are operating utilities subject to the provisions of this chapter. The third member shall be selected by the Governor according to his own discretion. The terms of the present members of the Public Service Commission shall expire on June 17, 1948, and the Governor shall thereafter appoint new members in accordance with the provisions of this section, for terms commencing as of June 17, 1948. Of the first members so appointed one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, the members shall be appointed for terms of four years and until their successors are appointed and qualify.

(2) The Governor shall appoint one of the commissioners to act as chairman of the commission.

(3) Vacancies for unexpired terms shall be filled in the same manner as original appointments, the vacancy being filled from a new list submitted by the appropriate group in the event the vacancy occurs in a position which was originally required to be filled from a list.

By Messrs. D. B. Saylor, Mullins and Hubbard.

H. B. No. 342. An Act relating to the vaccination of cattle against Bang's Disease; providing a means by which the vaccination may be provided and appropriating money for that purpose.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The State Board of Agriculture shall, to the extent that funds are available to the board for the purpose, carry on a program of vaccination of cattle against Bang's Disease, for the benefit of all cattle owners in the state who desire their cattle to be vaccinated. For this purpose, the board shall employ, as authorized by KRS 257.270, as many veterinarians as are needed for the purpose, within the limits of the funds available, and shall purchase and supply the necessary vac-

cine. In carrying on the program, the board shall endeavor to employ veterinarians practicing in the locality in which the vaccination is to be done. If a locality has no local veterinarian, the board shall arrange to supply a veterinarian for the necessary period of time to complete the desired vaccinations.

§ 2. For the purposes of this Act, there is appropriated to the State Board of Agriculture, out of the General Expenditure Fund in the State Treasury, the sum of $20,000 per year for each of the fiscal years 1948-1949 and 1949-1950. The sums so appropriated are intended to be in addition to the appropriations for Bang's Disease and Calfhood Vaccination made by House Bill No. 5 of the 1948 General Assembly.

By Mr. Burnley.

H. B. No. 343. An Act to repeal, amend and re-enact Section 276.500 Kentucky Revised Statutes with respect to limitations of prosecutions and actions by and against common carriers by rail or by water.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 276.500 Kentucky Revised Statutes be, and the same is hereby repealed, amended and re-enacted so as to read as follows, viz.:

276.500 (1) All prosecutions under subsections (8), (16), (17), (18), and (28) of Kentucky Revised Statutes 276.990 shall be commenced within two years after the offense was committed.

(2) All actions at law by common carriers for recovery of their charges, or any part thereof, shall be begun within two years from the time the cause of action accrues, and not after.

(3) All complaints against common carriers for the recovery of damages not based on overcharges shall be filed with the Commission within two years from the time the cause

of action accrues, and not after, subject to subsection (5) of this section.

(4) For recovery of overcharges action at law shall be begun or complaints filed with the Commission against common carriers within two years from the time the cause of action accrues, and not after, subject to subsection (5) of this section, except that if claim for the overcharge has been presented in writing to the common carrier within the two-year period of limitation said period shall be extended to include six months from the time notice in writing is given by the common carrier to the claimant or disallowance of the claim, or any part or parts thereof, specified in the notice.

(5) If on or before expiration of the two-year period of limitation in subsection (3) of this section or of the two-year period of limitation in subsection (4) of this section a common carrier begins action under subsection (2) of this section for recovery of charges in respect of the same transportation service, or without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include ninety days from the time such action is begun or such charges are collected by the carrier.

(6) The cause of action in respect of a shipment of property shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the common carrier, and not after.

(7) The term "overcharges" as used in this section shall be deemed to mean charges for transportation service in excess of those applicable thereto under the tariffs lawfully on file with the Commission.

By Messrs. Moorman and Thornton.

H. B. No. 344. An Act relating to the State Fair Board, with particular relation to the membership thereof and the terms of the members.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 247.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall be composed of nine members, as follows:

(a) The Governor;

(b) The Commissioner;

(c) The Dean of the College of Agriculture of the University of Kentucky; and

(d) Six members appointed from the state at large by the Governor as provided in this section, with due consideration to geographical distribution throughout the State.

(2) The terms of the present six appointed members of the board shall be for four years, dating from the beginning of the terms for which they were respectively appointed, and until their successors are appointed and qualify, the beginning date being calculated as of December 12, 1944, for two of the terms, December 12, 1945, for two of the terms, and December 12, 1946, for two of the terms. As the terms of each group of two members expire, the Governor shall appoint successors for terms of four years and until their successors are appointed and qualify. Beginning with the appointments to be made for the terms that will commence December 12, 1948, one member of the first group of two successor members to be appointed shall be appointed from a list of six nominees submitted to the Governor by the governing body of the Kentucky Purebred Livestock Association; one member of the second such group shall be appointed from a list of six nominees so submitted by the governing body of the American Saddle Horse Breeders Association; and one member of the third such group shall be appointed from a list of six nominees so submitted by the board of directors of the Kentucky Farm Bureau Federation. The other member of each group of two successor members so appointed shall not be of the same political affiliation as the appointee selected from the nominees submitted by the named organizations, it being the intention hereof that of the six members so appointed by the Governor three shall be appointed from each of the two political parties polling the largest number of votes in the state at general elections.

(3) In case of a vacancy among the appointed members of the board, the unexpired term so occurring shall be filled by the Governor, who shall appoint a person having the same required qualifications as the person who theretofore held such office.

By Mrs. Rutherford.

H. B. No. 345. An Act relating to the development of public libraries in Kentucky and appropriating money therefor.

Said bill is as follows, viz.:

Whereas, two-thirds of the area of Kentucky has no local public library facilities; and

Whereas, nine-tenths of the funds expended for local public library service in the other one-third of the state are expended in the large urban areas; and

Whereas, a state appropriation is essential to eventually enable the furnishing of local public library service throughout the state.

Now Therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund in the State Treasury, to the Library Extension Division of the Department of Library and Archives, the sum of $25,000 per year for each of the fiscal years 1948-1949 and 1949-1950, for the purpose of public library development in Kentucky. The funds so appropriated shall be expended for aiding in the establishment, extension and development of local public library facilities (exclusive of library maintenance and library buildings, equipment and furniture), through demonstrations, educational programs, technical assistance, promotional work and such other methods and services as will best accomplish the purpose.

By Mr. Drury.

H. B. No. 346. An Act providing for the regulation of lawful coin or token operated vending machines or devices and all other lawful coin or token operated machines and devices except those exempted in this act; requiring licenses therefor and fixing the amount of license fees; vesting administration in the Department of Revenue; providing for appointment and compensation of an attorney to assist in administration of this act; fixing the compensation of employees to be appointed for the administration of the act; authorizing the issuance, refusal, revocation and suspension of licenses; imposing prohibitions, restrictions and regulations; fixing penalties for violations of this act; and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions.

(1) "Coin machine" shall mean and include any coin or token-operated vending machine or device, or other coin or token operated machines or devices which as a result of the deposit of a coin or substitute (token) therefor by and through an automatic or mechanical operation issues or vends value received in the form of merchandise, goods, chattels, products, or any service or imparts any information or data of any kind or nature whatsoever, or provides amusement or entertainment in the form of music or otherwise but it shall not include what are commonly known as cash registers, public pay toilets, or pay telephones.

(2) "Department" shall mean the Department of Revenue.

(3) "Commissioner" shall mean the Commissioner of Revenue.

Section 2. The administration of this Act is hereby vested in the Department of Revenue to be exercised through, by and with the facilities of the Department available and hereinafter authorized.

Section 3. The Commissioner of Revenue may appoint and employ such assistants and other employees as may be necessary for the enforcement of this Act and shall fix their salaries and compensation as provided in sections 42.110-42.150, Kentucky Revised Statutes, except as hereinafter provided.

Section 4. The Attorney General of this Commonwealth is hereby authorized to appoint an Assistant Attorney General, in addition to the Assistant Attorneys General already authorized by law, who may act in any authorized legal capacity particularly as may be required in the enforcement of this Act. He shall possess at least the qualifications of the Sixth Assistant Attorney General, shall have the ordinary powers to discharge the duties of an Assistant Attorney General and shall be paid an annual salary to be fixed by the Attorney General as provided by law of not to exceed four thousand dollars ($4,000.00) from the Department of Law appropriation.

Section 5. The Department shall have the following powers:

(a). To adopt such rules and regulations as are necessary for the administration of this Act.

(b). To refuse applications for and revoke or cancel for cause any license issued under this Act.

(c). To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath, and in connection therewith require the production of any books or papers relative to the inquiry, regardless of whether said witnesses are licensees. The Commissioner may delegate the power provided in this subsection to any employee of the Department. The provisions of the Civil Code of Practice shall, where applicable, apply to subpoenas issued pursuant to this subsection, but such subpoenas shall be effective throughout the Commonwealth, and shall be enforceable by petition to a court of competent jurisdiction. The Department is hereby authorized to pay witnesses the per diems and mileage provided in section 421.010 Kentucky Revised Statutes, for witnesses in circuit courts.

(d). To require any of its employees to execute a bond in such penal sum as may be necessary conditioned upon the proper and faithful performance of their duties and the satisfactory accounting of all moneys received and disbursed by such employees. The cost of such bond shall be borne by the Department.

Section 6. It shall be unlawful for any person or lessee of a coin machine to keep, possess, use or exhibit for gain or operate or permit to be operated or allow to be kept, used, possessed, or operated for gain, or for any purpose, except as hereinafter provided, a coin machine unless a license has first been procured and evidence of payment therefor attached thereto as set forth under the provisions of this Act.

It shall be unlawful for any owner or lessee of any premises, building, or appurtenance thereto, boat, ship, airplane, vehicle, structure, automobile, or any other property, or part thereof, to permit the exhibition, possession or use of any said coin machines unless evidence that the license tax imposed in this Act has been paid is affixed thereto. It shall be unlawful to keep, use, possess or operate for gain any coin machine unless a license shall have been granted and the license tax paid therefor.

Section 7. All licenses issued under this Act shall be obtained and the tax paid as required by this Act on or before January first of each year and all licenses granted shall expire on December thirty-first of each year, and shall be renewed for a like period upon payment of the fee and upon compliance with the terms and conditions herein set forth, provided, that any person paying the tax between January first and June thirtieth of each year shall pay a sum equal to the annual license fee and any person paying the tax between July first and December thirty-first shall pay a sum equal to one-half of the annual license fee.

Any person required by the provisions of this Act to pay a license tax, who shall fail to pay said tax at the time required herein, shall pay as a part of the tax imposed herein a sum equal to twenty per cent (20%) of the amount of tax due and delinquent and in addition thereto interest at the rate of one-half of one per cent (½ of 1%) per month.

Section 8. No license shall be issued hereunder until the applicant has paid the tax provided herein upon each and every machine owned or proposed to be operated by him based upon the following classification.

a. For each coin machine costing one cent (1c) to four cents (4c) to operate the fee shall be five dollars ($5.00) per annum.

b. For each coin machine costing five cents (5c) to nine cents (9c) to operate the fee shall be ten dollars ($10.00) per annum.

c. For each coin machine costing ten cents (10c) to twenty-four cents (24c) to operate the fee shall be fifteen dollars ($15.00) per annum.

d. For each coin machine costing twenty-five cents (25c) or more to operate the fee shall be twenty-five dollars ($25.00) per annum.

If any machine has more than one slot through which a coin may be dropped to operate the machine, the fee shall be based upon the amount of the highest denomination charged plus One Dollar ($1.00) for each additional slot, irrespective of the denomination of the coin it is designed to receive.

Payment of the tax herein imposed shall be evidenced by affixing stamps or seals in such manner as the Department may by regulation prescribe and if any person desires stamps or seals for additional coin machines after obtaining his license, he shall make application therefor in such manner as the Department may by regulation prescribe.

It is hereby provided that any coin machine vending any merchandise for the sale of which a state occupational license is required shall be exempt from payment of the taxes provided herein.

Section 9. No license shall be transferable except under rules and regulations duly adopted by the Department.

Section 10. No owner or lessee thereof shall change the method or operation of any coin machine in any manner after a license shall have been issued therefor until detailed specifications and plans showing such alterations shall have been

submitted to the Department and written approval thereof first having been obtained from the Department.

Section 11. Applications for any license provided for in this Act shall be made to the Department of Revenue at its offices in Frankfort, Kentucky; shall be in writing on forms furnished by the Department for that purpose, and verified. The application shall, in addition to any other information which the Department may deem necessary for the effective administration of the tax laws of the Commonwealth, contain the following information:

(a). A full and complete description of the coin machine sought to be licensed including detailed plans and specifications thereof and a statement of the character of the coin, or substitute (token) therefor, used in operating such coin machine.

(b). A description of the character and type of merchandise or service issued or rendered by such coin machine upon the operation thereof.

(c). The residence and the principal business address within and without Kentucky of the owner or lessee of each and every coin machine sought to be licensed.

(d). The number of machines owned or proposed to be operated by the applicant, according to the classification referred to in Section 8 of this Act.

(e). A certified or cashier's check for the amount of the tax due.

At the time of making and filing such application, the applicant shall present for inspection, should the Department so require, a sample of such coin machine, a sample of the merchandise proposed to be vended, or a sample or description of the service to be rendered. A person receiving a license hereunder shall at any time upon request of the Department furnish a complete list of the number and type of all coin machines owned, possessed, leased, or operated by him together with the locations thereof.

Section 12. Licenses for the operation and use of coin vending machines shall be issued and delivered only to a person possessing a good moral character who has never been

convicted of a felony and not pardoned and whose license has never been finally revoked.

The decision and findings of the Department of Revenue upon any and all matters of discretion and upon all questions of issuance and revocation of licenses shall be final and conclusive except an appeal may be taken within fifteen days from the action of the Department in refusing to grant a license or in revoking a license or in an order of confiscation of property in accordance with sections 5 and 5a, Chapter 4, Acts of the First Extraordinary Session of the 1938 Kentucky General Assembly.

Section 13. The Department of Revenue and its agents shall have full and complete authority without any order of any court to seize and confiscate any coin or token operated machine or device possessed, leased, used, exhibited, or operated which does not bear evidence of payment of the license tax imposed by this Act or for which no license has been obtained or for which the license has been revoked as provided in this Act. When any coin machine is confiscated or seized by the Department of Revenue or its agents or any other law enforcement officer of this Commonwealth, title to the same shall vest immediately in the Department of Revenue, subject to appeal as hereinabove provided. If the coin machine which is seized or confiscated be a machine which can be licensed under this Act, it shall be sold under rules and regulations to be adopted by the Department of Revenue and the receipts from such sale shall be deposited as other receipts from this Act are deposited. If the coin machine be a gambling devise or machine which cannot be legally licensed under this Act, the same shall be destroyed by the Department after the expiration of the time for appeal.

Section 14. Nothing in this Act shall apply to lawful coin machines when such machines are kept in the regular place of business of the manufacturer or wholesaler for sale only. Nothing herein shall be construed to authorize or legalize such manufacturer, wholesaler, or any other person to operate for gain such lawful coin machines without a license, or to have in their possession or offer for sale gambling devices.

Section 15. Whoever violates any of the provisions of this Act shall, upon conviction thereof, be fined not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), and upon final conviction all licenses held by the licensee so convicted shall be automatically revoked.

Whoever attaches or causes to be attached to a coin machine any fictitious evidence of tax payment purported to be issued by the Department of Revenue, or a counterfeit thereof shall, upon conviction thereof be fined not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) and each separate fictitious counterfeit seal so attached or used on a coin or token operated device shall constitute a separate and distinct offence.

Section 16. All moneys and revenues received under the provisions of this Act shall be covered into the State Treasury, as provided by law and credited to the General Fund; provided, however, that until June 30, 1948, there is hereby appropriated to the Department of Revenue such money as the Department of Finance may allot for the administration of this Act and the sum of not to exceed four thousand dollars ($4,000.00) annually to the Department of Law in addition to any and all appropriations already made to such Departments.

Section 17. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 18. All laws and parts of laws in conflict herewith are hereby repealed.

Section 19. It appearing that numerous owners of machines and devices as described herein are already operating the same throughout the Commonwealth without making payment for said privilege and the failure of the Commonwealth to charge for said privilege, or to provide for the regulation of the Act and operation of said machines and devices has resulted in confusion and loss of revenues; and that numerous

owners desire to install such machines and devices in Kentucky upon the adoption of proper regulations governing same by the General Assembly, and all of which would materially add to the general revenues of the Commonwealth, which is sorely needed, and would result in better regulation of the use and operation of such machines and devices, and the public peace and public welfare would be thereby better conserved, an emergency is hereby declared to exist and this law shall become effective upon its passage.

Ordered that said bills be printed and referred.

Resolutions of the following titles were introduced, viz.:

By Mr. Burnley.

H. Res. No. 41. A Joint Resolution and directing the payment of the claims of Barkley Graham, Sheriff of McCraken County, for fees allowed at the January and April terms, 1947, of the McCracken Circuit Court.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Barkley Graham, Sheriff of McCracken County, has claims against the Commonwealth, which claims were duly allowed at the January and April terms, 1947, of the McCracken Circuit Court, being claims for fees for services which the Commonwealth is required by law to pay, and which claims are in the total amount of $247.20.

It appearing that said claims were not presented for payment by the Commonwealth within the time prescribed by statute, and it further appearing that the claims are just claims agains the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay the claims when presented, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being $247.20,

is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

By Mr. Salyer.

H. Res. No. 42. A Joint Resolution authorizing Anderson Hays to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Anderson Hays of Perry County, Kentucky is hereby authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky in the Perry Circuit Court for damages resulting from personal injury to the said Anderson Hays caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky and the Department of Highways of Kentucky, resulting in injury to the said Anderson Hays while walking along the Highway in Perry County, Kentucky.

Said suit shall not be for a sum in excess of $5,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate said claim against the Commonwealth and the Department of Highways, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the highway fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth or its Department of Highways and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said resolutions be printed and referred.

SENATE MESSAGE

A message was received from the Senate announcing that they had adopted a resolution which originated in that body as follows, viz.:

S. Res. No. 45. A Concurrent Resolution memorializing the Kentucky members of the Congress of the United States of America to originate, adopt and foster legislation, appropriating funds to match funds appropriated by the several States for the purpose of building, improving and maintaining rural roads in the several States.

Whereas, the Federal Congress has for many years appropriated funds to match funds appropriated by the States to build and maintain the main interstate and intrastate highways, and

Whereas, there is now a great and pressing need for the building and maintaining of the rural highways, and

Whereas, the Commonwealth of Kentucky, by recently enacted legislation has made available greatly increased sums for rural highways,

Now, Therefore, Be It Resolved by the Kentucky State Senate, the House of Representatives Concurring Therein:

That we do hereby respectfully petition, request and urge the United States Senators from Kentucky and the members of the United States House of Representatives from Kentucky, to originate, introduce and work for the passage of legislation in the Federal Congress appropriating funds to to be used for the purpose of matching funds appropriated by the several States, in the building, improving and maintaining of rural roads in said States.

Be it Further Resolved that copies of this Resolution duly attest, be sent by the Clerk of the Senate to each of the United States Senators and Represenatives, from Kentucky

in the United States Congress, and that this Resolution be spread at length upon the Journal of the Kentucky State Senate.

Mr. John C. Watts moved that the House do now concur in said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

REPORT OF COMMITTEES

Mr. K. N. Salyer of the Committee on Banks and Banking, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 309. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of five hundred dollars or less, secured or unsecured, at a greater rate of interest, consideration, or charge than six per centum per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of five hundred dollars or less, providing for the administration of this act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for judicial review of orders and regulations of the Commissioner of Banking under this act, and providing that this act shall repeal and replace KRS Chapter 288.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. McClure of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 167. An Act to amend Section 199.320 of the Kentucky Revised Statutes, relating to contributing to the delinquency of a child.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Hullette of the Committee on Cities of the Third Class, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 301. An Act relating to the qualifications of members of the police and fire departments of cities of the second or third class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Veech, of the Committee on Roads and Highways, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 47. An Act relating to the employment and compensation of county road employes, amending Section 179.110 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Pewitt of the Committee on Cities of the Fifth Class, to which same had been previously referred, reported a bill of the following title, viz.:

S. B. No. 52. An Act relating to elections, with special reference to elections of city officers in cities of the fifth and sixth classes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Cline of the Committee on Criminal Law, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 191. An Act increasing the penalty for destruction of public property, amending Section 433.480 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mrs. Burnett of the Committee on Appropriations, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 166. An Act providing for a supplemental appropriation to the Secretary of State, for the purpose of printing and distributing copies of the Kentucky Constitution.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Cline of the Committee on Criminal Law, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 192. An Act to increase penalty for disturbing school, church and public assemblage, amending Section 437.040 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Hulette of the Committee on Cities of the Third Class, to which the same had been referred, reported a bill of the following title, viz.:

H. B. No. 18. An Act relating to hours of work and annual leave of members of the police department in cities of the second or third class.

Without an expression of opinion.

Said bill was then laid on the Clerk's desk.

Mr. Cline of the Committee on Criminal Law, to which the same had been referred, reported a bill of the following title, viz.:

H. B. No. 225. An Act making the stealing of a licensed dog a felony.

With the expression of opinion that said bill should not pass.

No motion having been made to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bill, it was ordered that said bill be not read at length for the first time and so said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz.:

H. B. No. 297. An Act relating to taxes upon production of crude petroleum; state and county; amending KRS 137.120.

H. B. No. 285. An Act relating to soil and water resources, defining additional powers and duties of the Soil and Water Resources Commission and the Division of Soil and Water Resources; providing that certain heavy or specialized machinery or equipment shall be made available to Soil Conservation Districts, and setting forth the terms and conditions of same, making an appropriation therefor, and repealing all laws or parts of laws in conflict therewith.

H. B. No. 171. An Act amending Section 402.080 of the Kentucky Revised Statutes, relating to marriage licenses.

H. B. No. 242. An Act relating to mines and minerals; amending Sections 351.010, 351.020, 351.060, 351.150, 352.020, 352.030, 352.060, 352.150, 352.280, 352.300, 352.310, 352.320, 352.400, 352.420, and 352.080 of the Kentucky Revised Statutes; repealing Sections 351.200, 351.210, 351.220, and 351.230 of the Kentucky Revised Statutes; and creating a new section of the Kentucky Revised Statutes to be numbered KRS 351.075.

H. B. No. 185. An Act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit or stripping method; regulating such mining; and providing penalties.

With Committee amendments thereto.

H. B. No. 16. An Act relating to the special education of physically or mentally handicapped children; creating a Division of Special Education for handicapped children; providing for special educational facilities; and appropriating money therefor.

H. B. No. 152. An Act relating to Civil Service Employes in cities of the second and third classes, amending subsections (1) and (6) of section 90.350 of the Kentucky Revised Statutes, and providing for the manner of making appointments, filling vacancies, and making promotions in the classified positions under City Civil Service.

H. B. No. 224. An Act relating to the hiring and compensation of peace officers for the purpose of keeping order at certain places of public entertainment.

H. B. No. 53. An Act to amend and to re-enact Section 229.080, Kentucky Revised Statutes, relating to the granting of exemptions from the payment of tax and license fees for the holding of certain athletic exhibitions.

H. B. No. 144. An Act to repeal and re-enact Section 25.610 of the Kentucky Revised Statutes, relating to the civil jurisdiction of justices' courts.

H. B. No. 106. An Act relating to contracts and separate estate of married women, amending KRS 404.010.

H. B. No. 272. An Act relating to the methods, apparatus and standards to be used in grading wheat.

H. B. No. 271. An Act relating to holidays; providing that June 3rd, which is now observed as Confederate Memorial Day, shall also be observed as Jefferson Davis Day.

H. Res. No. 24. A Joint Resolution declaring the post of Poet Laureate of Kentucky vacant and naming a successor to such post.

H. Res. No. 20. A Joint Resolution authorizing the personal representative of R. G. Hanner, deceased, of Providence, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 13. A Joint Resolution authorizing Johnny Runner to sue the Commonwealth of Kentucky.

S. Res. No. 17. A Joint Resolution authorizing the personal representative of R. G. Hanner, deceased, of Providence, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 23. A Joint Resolution authorizing the payment of Sheriffs' fees as provided in KRS 64.070 to Charles V. Hall of Jeffersontown, Kentucky, for transportation of certain prisoners from Gallatin County, Kentucky, to the Kentucky State Reformatory at LaGrange, Kentucky, during 1944 and 1945.

H. Res. No. 8. A Joint Resolution authorizing the payment of witness claims and a pauper idiot claim duly allowed by the Breathit Circuit Court and owned by the First National Bank of Jackson, Kentucky.

H. Res. No. 30. A Joint Resolution authorizing the payment of judges' examining trial fees as provided by Kentucky Revised Statutes 26.180 and 64.220 to John O. Hardin of Hopkinsville, Christian County, Kentucky, Judge of Police Court of the City of Hopkinsville for certain examining trials held in said court during the years of 1942, 1943, 1944, 1945, 1946, and 1947.

S. Res. No. 15. A Joint Resolution authorizing Curtis Pigman to sue the Commonwealth of Kentucky.

S. Res. No. 6. A Joint Resolution authorizing the payment of a claim for holding examining trials allowed by the Marion Circuit Court, to G. C. Spalding of Lebanon, Kentucky.

S. Res. No. 8. A Joint Resolution authorizing Mell T. Prather to sue the Commonwealth of Kentucky and the De-

partment of Highways of the Commonwealth of Kentucky, either or both.

S. Res. No. 14. A Joint Resolution authorizing Dan T. Martin to sue the Commonwealth of Kentucky.

H. Res. No. 27. A Joint Resolution authorizing the payment, to Lee Swanner of London, Kentucky, of certain witness claims allowed by the Laurel Circuit Court and the Rowan Circuit Court.

H. Res. No. 9. A Joint Resolution authorizing B. H. Kelley to sue the Commonwealth of Kentucky.

H. Res. No. 16. A Joint Resolution authorizing Maude Turner Herald to file suit against the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School, or any one or more of them.

H. B. No. 154. An Act relating to certification of teachers.

With Committee amendment thereto.

H. B. No. 223. An Act relating to the distribution of the state school per capita fund.

With Committee amendment thereto.

H. B. No. 204. An Act relating to real estate brokers and salesmen; including provisions regulating the qualifications and examination of applicants for licenses as real estate brokers and salesmen and defining the relationship between real estate brokers and salesmen.

With Committee amendment thereto.

H. B. No. 13. An Act relating to marriage and divorce; placing restrictions on the remarriage of divorced male persons.

H. B. No. 243. An Act relating to labor, prohibiting the discharge of any employee solely or only on the ground of age.

With Committee amendment thereto.

H. B. No. 211. An Act relating to old age assistance.

H. B. No. 283. An Act relating to game and fish and the Division of Game and Fish.

H. B. No. 282. An Act to prohibit the sale, purchase, barter, exchange or trade of wild rabbits; to prohibit the possession of wild rabbits for sale, barter, exchange or trade and to prohibit an attempt to sell, purchase, barter, exchange or trade wild rabbits.

H. B. No. 160. An Act relating to game and fish, amending Section 150.445 of the Kentucky Revised Statutes.

With Committee amendment to said bill by way of substitute therefor.

H. B. No. 281. An Act relating to game and fish particularly to fishing licenses.

Ordered that said bills and said resolutions be read at length the second time.

Mr. John C. Watts moved that the Constitutional provision as to the second reading at length of said bills and said resolutions be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and said resolutions having been dispensed with, said bills and said resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 65. An Act relating to the common school equalization fund, with particular reference to eligibility of school districts to participate in the fund.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 157.053 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any board of education that has had its budgets and salary schedule for the ensuing school year approved by the State Board of Education, whose ratio of assessed valuation of property to fair cash value is equal to the average ratio throughout the state, as certified to the State Board of Education by the Kentucky Tax Commission, and has levied for school purposes a tax at the minimum rate permitted by law, shall have the privilege of applying for aid from the equalization fund.

Mr. Clyde S. Howard moved that consideration of said bill be referred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 96. An Act relating to motor carriers, as defined in KRS Chapter 281; with particular relation to reciprocity agreements with other states and the District of Columbia concerning taxes upon vehicles operated in interstate commerce.

With Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Under reciprocity agreements, any motor vehicle for the operation of which a certificate or permit is required under KRS Chapter 281, which is owned by a person or corporation having his or its principal place of business in another state or in the District of Columbia, which is registered and licensed in the state (or District) in which the owner has his or its principal place of business, and upon which the fees and excise taxes required by such state (or District) have been paid, shall, while operating into or through the Commonwealth of Kentucky in interstate commerce under a certificate or permit issued by the Interstate Commerce Commission, be exempt from the registration fees under KRS Chapter 186 and the weight tax and excise taxes under KRS Chapter 281; provided that the state (or District) in which the owner has his or its principal place of business shall give like or similar privileges to owners of motor vehicles who have their principal place of business in Kentucky.

2. The Governor shall appoint a commission of three persons, to be known as the "Motor Vehicle Reciprocity Commission," whose duties it shall be to enter into and execute reciprocity agreements, in accordance with this Act, on behalf of the Commonwealth of Kentucky with other states and the District of Columbia.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of House Bill No. 96 by striking from the printed bill all of Section 2 and inserting in lieu thereof the following:

2. This Act shall be administered by the Department of Revenue.

Mr. Bronston moved that the House do now adopt said Committee amendment to said bill.

Said motion was agreed to.

And thereupon said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Horace T. Cull	Kerby Jennings
Earl F. Ashcraft	B. G. Davidson	Paul S. Jonas
Sidney Baer	Owen Deering	J. Ernest Jones
Levi Baker	G. I. Drury	L. H. Jones
Bernhardt Bauer	Kermit Dwyer	Ercel Kozee
C. E. Baumgardner	Henry J. Giles	Harry K. Lowman
Fred Beshear	Otto W. Goff	W. E. McClure
Isaac M. Blevins	N. M. Hamilton	Ed Marcum
Chas. J. Bronston	James P. Hanratty	F. G. Marquette
Mrs. Mary Burnett	Carson Hibbitts	E. H. Martin
A. H. Calvert	C. J. Holsclaw	C. D. Moberly
Paul Carter	Clyde S. Howard	Archie R. Moore
Earl W. Christian	D. W. Howard	Davis Moore
George I. Cline	M. G. Howard	Walter Moorman
Everett T. Cooper	R. N. Hubbard	E. C. Mullins
Perry M. Cross	Ira W. Hulette	Joe E. Nunn

H. S. Overby	Dr. K. N. Salyer	G. C. Thornton
H. C. Patterson	James J. Shannon	Wilford S. Travis
H. M. Pewitt	Paul E. Shannon	J. B. Veech
L. W. Preston	Jesse H. Shelton	W. J. Ward
E. F. Prichard	John M. Spaulding	John C. Watts
Lilburn S. Rogers	Chas. L. Spillman	Lynn Boyd Wells
Amos Runyan	G. W. Steinford	G. F. Williamson
Glenn Rushing	John M. Stumbo	Charles W. Wirsch
Mrs. Rutherford	Albert Thomason	—74

Those who voted in the negative were—

Henry C. Hale	Hobart Rayburn	LeRoy Saylor
E. R. Hilton	Ottis Roberts	Harry Smith
		—6

Resolved that the title thereof be as aforesaid.

Mr. Holsclaw moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 233. An Act pertaining to motor vehicles, including motor carriers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

I. That sub-section 8 of KRS 281.010 be amended to read as follows:

" 'Operator of a motor vehicle for hire' means any person who owns, controls, operates or manages any motor vehicle for hire for the transportation of persons or property on any public highway, or any person who engages in the business of leasing motor vehicles for a compensation for the transportation of persons or property upon the public high-

ways, but does not include a lessor where the lessee does not use the motor vehicle for the transportation, for hire, of persons or the property of other persons."

II. That a new section of the statutes is created to read as follows:

"The weight tax imposed by KRS 281.480 shall not apply to motor vehicles used exclusively for the transportation of used household goods, but the operator of such motor vehicles shall register said vehicles annually with the Division of Motor Transportation and pay a fee the same as set out in KRS 281.510 for the transportation of property for hire."

III. That a new section of the statutes is created to read as follows:

"Weight plates purchased under KRS 186.055 may be surrendered to the County Clerk and transferred by him in the same manner as is provided in KRS 281.540 sub-section 2 for the transfer of plates by the Director of the Division of Motor Transportation.

When a motor vehicle for which weight plates are required under KRS 186.055 is placed in operation after January 1st of any year, the plates shall cost only the proportionate part of the unexpired months of such year."

Mr. Holsclaw moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	E. F. Prichard
Sidney Baer	E. R. Hilton	Ottis Roberts
Levi Baker	C. J. Holsclaw	Lilburn S. Rogers
Bernhardt Bauer	D. W. Howard	Amos Runyan
C. E. Baumgardner	Ira W. Hulette	Glenn Rushing
Fred Beshear	Paul S. Jonas	Mrs. Rutherford
Isaac M. Blevins	L. H. Jones	LeRoy Saylor
Chas. J. Bronston	W. E. McClure	James J. Shannon
A. H. Calvert	Ed Marcum	Paul E. Shannon
Earl W. Christian	F. G. Marquette	Jesse H. Shelton
George I. Cline	E. H. Martin	Chas. L. Spillman
Perry M. Cross	Archie R. Moore	G. W. Steinford
Horace T. Cull	Davis Moore	John M. Stumbo
G. I. Drury	Walter Moorman	G. C. Thornton
Kermit Dwyer	Joe E. Nunn	Lynn Boyd Wells
Otto W. Goff	H. S. Overby	G. F. Williamson
N. M. Hamilton	L. W. Preston	Charles W. Wirsch

—51

Those who voted in the negative were—

Earl F. Ashcraft	Henry J. Giles	E. C. Mullins
Paul Carter	M. G. Howard	D. B. Saylor
Everett T. Cooper	C. D. Moberly	Harry Smith

—9

Resolved that the title thereof be as aforesaid.

Mr. Holsclaw moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 260. An Act to repeal, amend and re-enact Sections 342.005, 342.020, 342.025, 342.040, 342.055, 342.070, 342.080, 342.095, 342.100, 342.105, 342.110, 342.120, 342.230, 342.270, 342.395, relating to Workmen's Compensation.

With Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 342.005, Kentucky Revised Statutes be repealed, amended and re-enacted so that same, when re-enacted shall read as follows:

(1) This chapter shall apply to all employers having three or more employees regularly engaged in the same occupation or business, and to their employees, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States. Provided, however, it shall apply to the operators of threshing machines used in threshing or hulling grain or seeds. It shall affect the liability of the employers subject thereto to their employees for a personal injury sustained by the employee by accident arising out of and in the course of his employment, or for death resulting from such accidental injury; provided, however, that personal injury by accident as herein defined shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident, nor shall it include the results of a pre-existing disease, whether previously disabling or not, but shall include injury or death due to inhalation in mines of noxious gases or smoke, commonly known as "bad air," and also shall include injuries or death due to the inhalation of any kind of gas.

(2) Any employers and employees who are by the provisions of this section excepted from the provisions of this chapter, including employers having less than three employees, may subject themselves thereto by joint, voluntary application to the board, in writing, for such period as may

be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated, and any employers and their employees may, with respect to the disease of silicosis caused by the inhalation of silica dust, in like manner voluntarily subject themselves thereto as to such disease.

Section 2. That Section 342.020, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) In addition to all other compensation provided in this chapter, the employer shall furnish for the cure and relief from the effects of an injury, such medical, surgical and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding a total expense to the employer of more than five hundred dollars. The Board may, by order made upon application within a period of six months from date of the accident, extend the limit of expense to not exceeding a total of eight hundred dollars. If the employer fails to furnish such treatment reasonably, he shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employee in providing such treatments. In an emergency, the employee may call in any available physician or surgeon to administer any first aid reasonably necessary at the expense of the employer within the limits of this section. The Board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

(2) Where a compensable injury results in the amputation of an arm, hand, leg or foot, or the loss of hearing, or the enucleation of an eye or the loss of natural teeth, the employer shall initially furnish in addition to the medical, surgical, and hospital treatment enumerated in subsection (1) of this section a modern artificial member, and where required, proper braces.

Section 3. That Section 342.025, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) In all claims for hernia resulting from injury received in the course of and resulting from the employee's employment it must be definitely proved to the satisfaction of the Board that:

(a) There was an injury resulting in hernia.

(b) The hernia appeared suddenly and immediately following injury; and

(c) The hernia did not exist in any degree, including the primary or incomplete stage, prior to the injury for which compensation is claimed.

(2) In all such cases where liability for compensation exists, the employer shall, within the limits of KRS 342.020, provide competent surgical treatment by radical operation. In case the injured employee refuses to submit to the operation, the employer may require a medical examination as provided in KRS 342.205.

(3) If it is shown by such examination that the employee has any chronic disease or is otherwise in such physical condition so as to render it more than ordinarily unsafe to submit to such operation, he shall, if unwilling to submit to the operation, be entitled to compensation for disability under the general provisions of this chapter. If the examination does not disclose the existence of disease or other physical condition rendering the operation more than ordinarily unsafe, and the employe, with the knowledge of the result of such examination, thereafter refuses to submit to such operation, he shall be entitled to compensation for disability under the general provisions of this chapter for not exceeding one year. If the employee submits to the operation, he shall, in addition to the surgical benefits herein provided for, be entitled to compensation for his actual disability following such operation. If the hernia results in death within one year after it is sustained, or the operation results in death, such death shall be deemed a result of the injury causing such hernia and compensated accordingly under the provisions of this chapter.

This subsection shall not apply where the employe has refused to submit to an operation which has been found by the examination herein provided for not to be more than ordinarily unsafe.

Section 4. That Section 342.040, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

Except as provided in KRS 342.020 and 342.030 no compensation shall be payable for the first seven days of disability unless disability continues for a period of more than three weeks in which case compensation shall be allowed from the first day of disability. All compensation shall be payable on the regular pay day of the employer, commencing with the first regular pay day after seven days after the injury, with interest at the rate of six percent per annum on each installment from the time it is due until paid.

Section 5. That Section 342.055, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

Whenever an injury for which compensation is payable under this chapter has been sustained under circumstances creating in some other person than the employer a legal liability to pay damages, the injured employee may either claim compensation or proceed at law by civil action against such other person to recover damages, or proceed both against the employer for compensation and such other person to recover damages, but he shall not collect from both. If the injured employee elects to proceed at law by civil action against such other person to recover damages, he shall give due and timely notice to the employer of the filing of such action. If compensation is awarded under this chapter, either the employer or his insurance carrier, having paid the compensation or having become liable therefor, may recover in his or its own name or that of the injured employee from the other person in whom legal liability for damages exists, not to exceed the indemnity paid and payable to the injured employee.

Section 6. That Section 342.070, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted shall read as follows:

If death should result within two years from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employee, reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $300.00, and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, if any, the further sum of $200.00, payment to be made to the personal representative of the deceased employee.

(2) If there are one or more wholly dependent persons 65 percent of the average weekly earnings of the deceased employee, but not to exceed $20.00 nor less than $7.00 per week shall be payable, all such payments to be made for the period between the date of death and 400 weeks after the date of accident to the employee, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $8,000.00.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employee is proportionate to total dependency and all such payments to be made for the period between the date of death and 400 weeks after the date of the accident to the deceased employee, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $8,000.00.

(b) Partial dependency shall be determined by the proportion of the earnings of the employee which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date

of injury, the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section shall mean dependency existing at the time of accident to the employee.

(5) If death occurs as a result of the injury after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

Section 7. That Section 342.080, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

Compensation to any dependent shall cease at the death or legal or common-law marriage of such dependent or, in the case of a child or children, upon attaining the age of twenty-years unless incapacitated from wage earning. Upon the cessation of compensation to or on account of any person the compensation of the remaining persons entitled to compensation shall, for the unexpired period during which their compensation is payable, be that which such persons would have received during such unexpired period if they had been the only persons entitled to compensation at the time of the accident.

Section 8. That Section 342.095, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) When the injury causes total disability for work, the employer, during such disability, except the first seven days thereof, shall pay the employee a weekly compensation equal to 65% of his average weekly earnings, not to exceed $21.00 nor less than $7.00 per week, such payments to be made during the period of total disability but not longer than 10 years after the date of the injury, nor in any case to exceed a maximum sum of $9,500.00. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of 10 years

during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $9,500.00.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet at or above the ankle.

(c) The loss of both hands at or above the wrist.

(d) A similar loss of one hand and one foot.

(e) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg.

(f) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

Section 9. That Section 342.100, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

In case of an injury resulting in temporary partial disability, the employee shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65 percent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns, or is able to earn, in some suitable employment after the injury and during such disability, not to exceed 450 weeks from the date of injury, nor exceeding the sum of $18.00 per week nor the maximum sum of $8,100.00. If partial disability follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability.

Section 10. That Section 342.105, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

For injuries enumerated in the following schedule the employee shall receive, in addition to temporary total dis-

ability compensation for the period of actual total disability, not exceeding 20 weeks, a weekly compensation equal to 65 percent of his average weekly earnings, but not less than $7.00 per week nor exceeding $18.00 per week for the periods stated thereon:

(1) For the loss of a thumb, 65 percent of the average weekly wages during 60 weeks.

(2) For the loss of a first finger, commonly called the index finger, 65 percent of the average weekly wages during 45 weeks.

(3) For the loss of a second finger, 65 percent of the average weekly wages during 30 weeks.

(4) For the loss of a third finger, 65 percent of the average weekly wages during 20 weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, 65 percent of the average weekly wages during 15 weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add 10 weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than

useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

(12) For the loss of a hand, 65 percent of the average weekly wages during 150 weeks.

(13) For the loss of an arm 65 percent of the average weekly wages during 200 weeks.

(14) For the loss of one of the toes, other than the great toe, 65 percent of the average weekly wages during 10 weeks.

(15) For the loss of the great toe, 65 percent of the average weekly wages during 30 weeks.

(16) The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, 65 percent of the average weekly wages during 125 weeks.

(19) For the loss of a leg, 65 percent of the average weekly wages during 200 weeks.

(20) For the total and permanent loss of the sight of an eye, 65 percent of the average weekly wages during 100 weeks, plus an additional 20 weeks in cases where the eye ball is enucleated.

(21) For the total and permanent loss of hearing in one ear, 65 percent of the average weekly wages during 75 weeks.

Section 11. That Section 342.110, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same when re-enacted, shall read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employee and age at the time of injury. In no event shall compensation for an injury to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be 65 percent of the average weekly earnings of the employee

but not less than $7.00 nor more than $18.00, multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding 450 weeks nor a maximum sum of $8,100.00. Compensation payable under this section shall not be affected by the earnings of the employee after the accident, whether they be the same, or greater, or less than prior to the accident. Whenever the weekly payments under this section would be less than $5.00 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

Section No. 12. That Section 342.120, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) If any employee who is permanently partially disabled, whether from a compensable injury or otherwise, receives a subsequent compensable injury by accident resulting in additional permanent disability so that the degree of disability caused by the combined disabilities is greater than that which would have resulted from the subsequent injury alone, and such employee is entitled to receive compensation on the basis of the combined diasbilities, the employer shall be liable only for the degree of disability which would have resulted from the latter injury had there been no pre-existing disability. After the compensation liability of the employer, or his insurance carrier, if any, has been fully discharged, the remaining compensation to which such resulting condition would entitle the employee, less all compensation which the provisions of this law would have afforded on account of the prior disability had it been compensated for thereunder, shall be paid out of the Subsequent Injury Fund provided for in subsection (1) of 342.122 hereof.

(2) The term "permanent partial disability" under the provisions of this section shall not include disease or pre-existing disease, except where the disease or pre-existing disease was the natural and direct result of a compensable

injury, or the disease or pre-existing disease was contracted by the employee while a member of the Armed Forces of the United States and was sustained in line of duty while the United States was engaged in war.

Section 13. That Section 342.230, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) Upon recommendation of the board and within the limits of appropriations therefor, the Commissioner of Industrial Relations shall establish and fill any positions, including medical services and advice, necessary to carry on the board's work.

(2) The Commissioner of Industrial Relations shall also appoint an Executive Secretary of the Board who shall have immediate supervision of the employees of the Board and perform such duties as are assigned to him. The Executive Secretary shall be an attorney who has been admitted to practice law in Kentucky and shall have practiced law for at least three years. He shall keep and be the Custodian of the records of the board, and shall devote his full time to the duties of his office. He shall receive a salary of not exceeding $4,500.00 per year as fixed by the Commissioner of Industrial Relations.

(3) The board may at any time recommend the removal of any appointee upon filing with the Commissioner of Industrial Relations a full written statement of its reasons for such removal.

Section 14. That Section 342.270, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) If the parties fail to reach an agreement in regard to compensation under this chapter, or if they have previously filed such an agreement with the Board and compensation has been paid or is due in accordance therewith and the parties thereafter disagree, either party may make written application to the board for a hearing in regard to the matter at issue and for a ruling thereon. Such application must be filed within one year after the accident, or, in case of death,

within one year after such death, or within one year after the cessation of voluntary payments, if any have been made.

(2) As soon as possible after the application has been received the board shall set the date for a hearing, to be held as soon as is practicable in view of the matter involved, and shall notify the parties at issue of the time and place of such hearing.

(3) Unless otherwise agreed to by the parties and authorized by the board, the hearing shall be held at or convenient to the place where the injury was sustained or the ground for disagreement occurred. Before directing a hearing, the board, or a member thereof or referee authorized by the board, may confer informally with the parties at issue in an attempt to assist in adjusting their differences, but may not delay the granting of a hearing, over the objection of either party, for such purpose.

Section 15. That Section 342.395, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) Election to operate under this chapter shall be effected by the employee by signing the following notice:

"I hereby agree with (name of employer) to accept the provisions of the Kentucky Workmen's Compensation Law KRS Chapter 342)."

(2) The election shall be effective from and including the date of signing, which shall be inserted opposite the employee's signature. In case an employee is unable to write, his mark shall be witnessed by a third person, who shall at the time read the notice to the employee. Any number of employees may sign the same notice, if there is conspicuously written or printed at the top of each page thereof on which signatures appear a copy of the above form of notice. If the employment at any time is suspended the original acceptance of the employee shall continue effective in subsequent employment under the same employer, unless withdrawn in the manner provided under KRS 342.405. Identification of the employee's signature or mark shall constitute conclusive proof of his election to operate under this chapter in any hearing

or proceeding in which such election may be material or in issue.

(3) Whenever, in the hearing of a claim for compensation on account of the death of an employee, it has been shown that at the time of the accident alleged to have resulted in his death, the employer had accepted and was operating under this chapter and that employee sustained the accident in the course of his employment, this evidence shall constitute prima facie proof that the deceased had himself duly accepted the provisions of this chapter.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. No. 260, on page 14, by adding a new Section No. 16, to read as follows:

"Section 16. Whereas, policies of insurance heretofore issued under the provisions of Sections 342.345 to 342.385, inclusive, Kentucky Revised Statutes, insuring the liability of employers for compensation under the provisions of the Workmen's Compensation Act have been issued for the policy year ending June 30th, 1948, and at insurance rates fixed by the Workmen's Compensation Board for that period, all provisions of this Act shall become effective on and after June 30th, 1948."

Mr. Martin moved that the House do now adopt said Committee amendment to said bill.

Said motion was agreed to.

And thereupon said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dis-

pensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. J. Holsclaw	Hobart Rayburn
Roy W. Arnold	Clyde S. Howard	Ottis Roberts
Earl F. Ashcraft	D. W. Howard	Lilburn S. Rogers
Sidney Baer	M. G. Howard	Amos Runyan
Levi Baker	R. N. Hubbard	Glenn Rushing
Bernhardt Bauer	Ira W. Hulette	Mrs. Rutherford
C. E. Baumgardner	Laban P. Jackson	Dr. K. N. Salyer
Fred Beshear	Kerby Jennings	D. B. Saylor
Chas. J. Bronston	Paul S. Jonas	LeRoy Saylor
Mrs. Mary Burnett	L. H. Jones	James J. Shannon
Chas. W. Burnley	Harry K. Lowman	Paul E. Shannon
A. H. Calvert	W. E. McClure	Harry Smith
Paul Carter	Ed Marcum	John M. Spaulding
Earl W. Christian	F. G. Marquette	Chas. L. Spillman
George I. Cline	E. H. Martin	G. W. Steinford
Everett T. Cooper	C. D. Moberly	John M. Stumbo
Horace T. Cull	Archie R. Moore	Albert Thomason
B. G. Davidson	Davis Moore	G. C. Thornton
Owen Deering	Walter Moorman	Wilford S. Travis
G. I. Drury	Fred H. Morgan	J. B. Veech
Kermit Dwyer	E. C. Mullins	W. J. Ward
Henry J. Giles	Joe E. Nunn	John C. Watts
Otto W. Goff	H. S. Overby	Lawrence Watts
N. M. Hamilton	H. C. Patterson	Lynn Boyd Wells
James P. Hanratty	L. W. Preston	G. F. Williamson
Carson Hibbitts	E. F. Prichard	Charles W. Wirsch
E. R. Hilton		

—79

Resolved that the title thereof be as aforesaid.

Mr. Hibbitts moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Burnley moved that the rules be suspended and that the House take up for immediate consideration from its place in the Orders of the Day a bill of the following title, viz.:

H. B. No. 312. An Act relating to the State Text-book Commission, its organization and duties.

Said motion was agreed to by a majority of the members elected.

Thereupon the House took up for immediate consideration said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. I. Section 156.260 Kentucky Revised Statutes is hereby repealed, amended and reenacted to read as follows:

(1) The State Textbook Commission shall consist of the Superintendent of Public Instruction, two persons, each of whom at the time of appointment shall be a teacher or administrator in one of the state colleges of Kentucky, one person who at the time of appointment shall be a teacher or administrator at the University of Kentucky, one person from the State Parent Teachers Association, and eight persons appointed by the State Board of Education. The term of appointment shall be four years and shall begin on July 1, provided, however, that nothing contained herein shall be construed to affect the tenure of office of persons serving on the State Textbook Commission at the time this Act becomes effective.

(2) The members of the State Textbook Commission shall be educators of high qualifications who are actually engaged in educational work in the state, and whose educational qualifications are not less than graduation from a standard senior college, except, however, the member appointed from the State Parent Teachers Association shall not be required to possess such qualifications.

(3) The members of the State Textbook Commission shall elect one of their members as chairman and shall adopt rules and regulations for the procedure of the commission. The Superintendent of Public Instruction shall be secretary of the commission.

Sec. II. Section 156.310 Kentucky Revised Statutes is repealed, amended and reenacted to provide as follows:

(1) The State Textbook Commission shall, not later than January 1 in any adoption year, select and publish a list of 10 books in each subject, taking into account the needs of the various types of school organizations. One of the books for each subject and grade so listed shall be the one on the uniform list for county school districts as provided in KRS 156.320. Not more than two books for any subject and grade shall be from the same person. If less than ten books in any subject and grade of sufficient merit to warrant their being listed are submitted, the commission may list fewer than ten, but in that event it shall not list more than one book for the same subject and grade from the same person. The list, as soon as prepared, shall be sent to the chief administrative officer of the various school units of the state.

(2) The Board of Education of each independent school unit embracing a city of the first, second, third or fourth class shall, upon the recommendation of its superintendent, and not later than May 1 of any adoption year, select from the list one book for each subject and grade to be used as a basal text in its school system for a period of five years, except that the Board may, upon the recommendation of its superintendent and by a majority vote of the entire Board, adopt a basal text or the complete series of basal texts from the uniform list adopted for use in county school districts as provided in KRS 156.320.

(3) The books adopted by the State Textbook Commission shall remain unchanged for a period of five years, except however, the State Textbook Commission may approve revisions and supplements, and such approval shall not constitute a change in adoption. Not more than one-half of the books currently in use shall be changed at any one adoption period, and such change of books shall be equitably distributed between books currently in use in elementary schools and books currently in use in high schools. The adoption periods shall be deemed to have commenced in 1930.

Section III. Section 156.320 Kentucky Revised Statutes is repealed, amended and reenacted to provide as follows:

(1) The State Textbook Commission shall, not later than January 1 in any adoption year, adopt a uniform series or system of basal textbooks for use in the public schools of the county school districts and for the use of independent school districts. The commission shall cause to be printed and send the list to the administrative officer of each school unit of the state. In making the adoption of basal textbooks, the commission shall designate the subject and grade for which the adopted book is intended, and not more than one book shall be adopted for use in any one subject and grade. The adoption shall be made for a period of five years which shall be deemed to have begun in 1930.

Sec. IV. Section 156.330 Kentucky Revised Statutes is repealed, amended and reenacted to provide as follows:

(1) No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and adopted by the State Textbook Commission. Any change of textbook made by the State Textbook Commission shall not become effective until grades or classes of the respective school districts of counties or cities have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

Mr. John C. Watts moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	H. S. Overby
Earl F. Ashcraft	E. R. Hilton	H. C. Patterson
Sidney Baer	C. J. Holsclaw	H. M. Pewitt
Levi Baker	Clyde S. Howard	E. F. Prichard
C. E. Baumgardner	D. W. Howard	Hobart Rayburn
Fred Beshear	M. G. Howard	Ottis Roberts
Chas. J. Bronston	R. N. Hubbard	Lilburn S. Rogers
Mrs. Mary Burnett	Ira W. Hulette	Glenn Rushing
Chas. W. Burnley	Kerby Jennings	Mrs. Rutherford
Paul Carter	Paul S. Jonas	Dr. K. N. Salyer
Earl W. Christian	J. Ernest Jones	D. B. Saylor
George I. Cline	Ercel Kozee	James J. Shannon
Everett T. Cooper	Harry K. Lowman	Paul E. Shannon
Perry M. Cross	W. E. McClure	Jesse H. Shelton
Horace T. Cull	Ed Marcum	Harry Smith
G. I. Drury	E. H. Martin	John M. Spaulding
Kermit Dwyer	Archie R. Moore	Chas. L. Spillman
Otto W. Goff	Davis Moore	G. W. Steinford
Henry C. Hale	Walter Moorman	John M. Stumbo
N. M. Hamilton	Fred H. Morgan	Albert Thomason

G. C. Thornton	W. J. Ward	Lynn Boyd Wells
Wilford S. Travis	John C. Watts	G. F. Williamson
J. B. Veech		—67

Those who voted in the negative were—

Roy W. Arnold	F. G. Marquette	L. W. Preston
Bernhardt Bauer	E. C. Mullins	Amos Runyan
Henry J. Giles	Joe E. Nunn	LeRoy Saylor
		—9

Resolved that the title thereof be as aforesaid.

Mr. McClure moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, a bill of the following title, viz.:

H. B. No. 33. An Act relating to the time for holding the sessions of Circuit Court in the Thirty-fourth Judicial District.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

Mr. Davidson moved that the rules be suspended for the purpose of introducing a bill.

Said motion was agreed to by a majority of the members elected.

Thereupon a bill of the following title was introduced, viz.:

By Messrs. Davidson and Spaulding.

H. B. No. 347. An Act prescribing the terms and conditions upon which life insurance companies may do business in Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Investment in Kentucky securities. Each life insurance company now engaged, or that may hereafter engage in transacting the business of life insurance in this state, shall, as a condition of its right to transact such business in this state, invest and keep invested in Kentucky securities and in Kentucky real estate as hereinafter provided, a sum of money equal to at least seventy-five percent of the aggregate amount of the legal reserve required by the laws of the state of its domicile, to be maintained on account of its policies of insurance in force written upon the lives of the citizens of this state, which reserve is hereafter denominated as its "Kentucky Reserves." And each such company, securing a certificate of authority to do business in this state, shall be deemed to have accepted such certificate subject to all the conditions and requirements of this Act.

§ 2. "Kentucky securities." The term "Kentucky securities," as used in this Act, shall be held to include all bonds issued under and by virtue of the Federal Farm Loan Act approved July 17, 1916, when such bonds are issued against and secured by promissory notes or other obligations, the payment of which is secured by mortgage, deed of trust or other valid lien upon unincumbered real estate situated in this state; bonds of the State of Kentucky, or of any county, city, town, school district, or other municipality or subdivision, which is now or may hereafter be constituted or organized and authorized to issue bonds under the Constitution and laws of this state, promissory notes and other obligations, the payment of which is secured by a mortgage, deed of trust or other valid lien upon unincumbered real estate situated in this state, the title to which real estate is valid and the market value of

which is double the amount loaned thereon, exclusive of buildings, unless such buildings are insured and kept insured in some company authorized to transact business in this state, and the policy or policies transferred to the company taking such mortgage or lien; the first mortgage bonds of any solvent corporation incorporated under the laws of this state and doing business in this state, which has not in five years next preceding the date of the investment by such company in such mortgage bonds, defaulted for more than three months in the payment of interest upon its bonds or indebtedness, the market value of which bonds is equal to the amount invested therein; and loans made to policy holders on the sole security of the reserve values of their policies. The investments required by this Act may be made by the purchase of not more than one building site, and in the erection thereon of not more than one office building, or in the purchase of its reasonable market value of such office building already constructed and the ground upon which the same is located, in any city of the state of more than four thousand inhabitants. All real estate owned by life insurance companies in this state, on the effective date of this Act, and all thereafter acquired under the provisions of this Act, or by foreclosure of a lien thereon, shall be treated, to the extent of its reasonable market value, as a part of the investment required by this Act. And "Kentucky Securities" shall be held to include every character of investment authorized by the terms of this section.

§ 3. Investments, how made. The investments required by this Act shall be made as follows:

(1) Each life insurance company which had a certificate of authority to transact business in this state as of the effective date of this Act, the total amount of whose investments in Kentucky securities as of December 31, 1947, was equal to or exceeded seventy-five percent of the amount of its Kentucky reserves as of that date, shall have so invested not later than January 31, in each year, a sum of money equal to seventy-five percent of the amount of its Kentucky reserves as of the preceding December 31.

(2) Each life insurance company which had a certificate of authority to transact business in this state as of the effec-

tive date of this Act, the amount of whose investments in Kenucky securities as of December 31, 1947, was less than seventy-five percent of the amount of its Kentucky reserves as of said date, shall have so invested, not later than January 31, 1949, a sum at least equal to seventy-five percent of the amount by which its Kentucky reserves as of December 31 preceding exceeded the amount of its Kentucky reserves as of December 31, 1947, added to the amount of its total investments in Kentucky securities as of said date; and each such company, shall in addition, have so invested not later than January 31, 1949, a sum at least equal to ten percent of the amount by which seventy-five percent of its Kentucky reserves as of December 31, 1947, exceeded the amount of its investments in Kentucky securities as of said date, and annually thereafter it shall have invested, not later than January 31, an additional ten percent of the amount of such excess, until the total amount of its investments in Kentucky securities shall at least equal seventy-five percent of its Kentucky reserves.

(3) Each life insurance company not having a certificate of authority to do business in this state as of the effective date of this Act, or that may thereafter discontinue writing new business under such certificate, shall, if it again obtain a certificate of authority to transact business in this state, be required to have invested in Kentucky securities annually as above provided, a sum equal to seventy-five percent of its Kentucky reserves. If on December 31 preceding the issuance of such certificate of authority, the amount of its investments in Kentucky securities was less than seventy-five percent of the amount of its Kentucky reserves, it shall be required to have so invested annually as above provided, a sum equal to seventy-five percent of the increase of its Kentucky reserves since December 31, last preceding the issuance of its certificate of authority, added to the amount of its total investment in Kentucky securities as of said date; and, in addition, it shall, not later than January 31 in each year after the issuance of its certificate of authority, have so invested ten percent of the amount by which seventy-five percent of its Kentucky reserves as of December 31 preceding the date of said certificate exceeded the amount of its total investments in

Kentucky securities as of that date, and shall have invested annually thereafter, not later than January 31, an additional ten percent of such excess until the total amount of its investments in Kentucky securities shall at least equal seventy-five percent of the amount of its Kentucky reserves. The proportionate amount of the Kentucky reserves required by this section to be invested in Kentucky securities as of any date shall thereafter be maintained. Such investment shall not be required to be made by any life insurance company after it has ceased to do the business of life insurance or to write policies of life insurance in this state.

§ 4. Report showing amount of reserve. Each life insurance company doing business in this state shall, not later than ten days after January 31 of each year, file with the Director of the Division of Insurance on a blank prepared and furnished by him for that purpose, a report showing the entire amount of the reserve on its entire business in force in this state on December 31, preceding, and an itemized schedule of its investments in Kentucky securities, which report shall be sworn to by either the president or a vice president and the secretary of such company. Such report shall contain such other information as may be required by the Director of the Division of Insurance to determine whether or not such company has continuously and in good faith complied with this law; and for that purpose the Director of the Division of Insurance may, whenever he shall deem it proper, require such special or supplemental reports as he may deem necessary.

§ 5. Report showing gross receipts. Each life insurance company not organized under the laws of this state, transacting business in this state, shall annually, on or before the first day of March, make a report to the director, which report shall be sworn to by either the president or vice president and secretary or treasurer of such company, which shall show the gross amount of premiums collected during the year ending on December 31, preceding, from citizens of this state, upon policies of insurance. Each such company shall pay annually an occupation tax equal to three percent of such gross premium receipts. When the report of the investment, in Kentucky securities, as defined by law, of any such companies as

of December 31, of any year, shall show that it has invested on said date as much as thirty percent of its total Kentucky reserves, as defined by law, in promissory notes or other obligations secured by mortgage, deed of trust, or other lien on Kentucky real estate, the rate of occupation tax shall be reduced to two and six-tenths percent; and, when such report shall show that such company has so invested on said date as much as sixty percent of its total Kentucky reserves, the rate of such occupation tax shall be reduced to two and three-tenths percent; and when such report shall show that such company has so invested, on said date, as much as seventy-five percent of its total Kentucky reserves, the rate of such occupation tax shall be reduced to two percent. All such companies shall in any event make the investments in Kentucky securities in proportion to the amount of Kentucky reserves as required by law. Such occupation taxes shall be for and on account of the business transacted within this state during the calendar year in which such premiums were collected, or for that portion thereof during which the company shall have transacted business in this state.

§ 6. Taxes to be paid before certificate is issued. Upon the receipt of sworn statements showing the gross premium receipts of such company, the Director of the Division of Insurance shall certify to the State Treasurer the amount of taxes due by such company for the preceding year, which taxes shall be paid to the State Treasurer for the use of the state, by such company. Upon his receipt of such certificate, and the payment of such tax, the treasurer shall execute a receipt therefor, which receipt shall be evidence of the payment of such taxes. No such life insurance company shall receive a certificate of authority to do business in this state until such taxes are paid. If, upon the examination of any company, or in any other manner, the Director of the Division of Insurance shall be informed that the gross premium receipts of any year exceed in amount those shown by the report, thereof, theretofore made as above provided, it shall be the duty of such director to file with the State Treasurer a supplemental certificate showing the additional amount of taxes due by such company, which shall be paid by such company upon

notice thereof. The State Treasurer if, within fifteen days after the receipt by him of any certificate or supplemental certificate provided for by this section, the taxes due as shown thereby have not been paid, shall report the facts to the Attorney General, who shall immediately institute suit in the proper court in Franklin County to recover such taxes.

§ 7. Taxes imposed exclusive. No occupation tax other than herein imposed shall be levied by the state or any county, city or town upon any life insurance company herein subject to the occupation tax in proportion to its gross premium receipts, or its agents. The occupation tax imposed by this law shall be the sole occupation tax which any company doing business in this state under the provision of this Act shall be required to pay.

§ 8. Law deemed accepted. Each life insurance company not organized under the laws of this state, hereafter granted a certificate of authority to transact business in this state, shall be deemed to have accepted such certificate and to transact business hereunder subject to the conditions and requirements that, after it shall cease to transact new business in this state under a certificate of authority, and so long as it shall continue to collect renewal premiums from citizens of this state, it shall be subject to the payment of the same occupation tax in proportion to its gross premiums during any year, from citizens of this state, as is or may be imposed by law on such companies transacting new business within this state, under certificates of authority during such year. The rate of such tax to be so paid by any such company shall never exceed the rate imposed by this Act upon insurance companies transacting business in this state. Each such company shall make the same reports of its gross premium receipts for each such year and within the same period as is or may be required of such companies holding certificates of authority and shall at all times be subject to examination by the Director of the Division of Insurance or some one selected by him for that purpose, in the same way and to the same extent as is or may be required of companies transacting new business under certificates of authority in this state, the expenses of such examination to be paid by the company examined. The respec-

tive duties of the Director in certifying to the amount of such taxes and of the State Treasurer and Attorney General in their collection shall be the same as are or may be prescribed respecting taxes due from companies authorized to transact new business within this state.

§ 9. Companies renewing business. Any life insurance company which has heretofore been, may now be, or may hereafter be, engaged in writing policies of insurance upon the lives of citizens of this state, which has heretofore ceased, or may hereafter cease writing such policies, and which does not now or may not hereafter have a certificate of authority to transact the business of life insurance in this state, but which has continued or may continue to collect renewal or other premiums upon such policies, shall, before it may again obtain a certificate of authority to transact business of life insurance in this state, report under oath to the Director the gross amount of premiums so collected from citizens of this state upon policies of insurance during each calendar year since the end of the period covered by the last preceding report of such company of gross premium receipts upon which it paid an occupation tax, and shall pay to the state a sum equal to the percentage of its gross premium receipts for each such year that was required by law to be paid as occupation taxes by companies doing business in this state, during such year or years; and, upon the payment of such sum and securing a certificate of authority to do business in this state, the penalties provided for the failure to pay such taxes and make such report in the past shall be remitted.

§ 10. Failure to renew certificate. Any company which shall fail to renew its certificate of authority or continue to write new business in this state, shall, nevertheless, have the right to maintain agents in Kentucky for the purpose of collecting renewal premiums on outstanding business written by it under certificate of authority, and also for the purpose of making investments as provided by this Act.

§ 11. Director of Division of Insurance may revoke certificate. If any life insurance company, while holding a certificate of authority to transact business in this state, shall fail or refuse to comply with any of the provisions or require-

ments of this Act, the Director upon ascertaining such fact, shall notify such company by actual notice in writing delivered to an executive officer of such company, of his intention to revoke its certificate of authority to transact business in this state at the expiration of thirty days after the mailing of such regisered letter, or the date upon which such actual notice is served. If such provisions or requirements are not fully complied with upon the expiration of said thirty days, it shall be the duty of said Director to revoke the certificate of authority of such company. In case of such revocation, such company shall not be entitled to receive another certificate of authority for a period of one year, and until it shall have fully and in good faith complied with all such provisions and requirements of this Act. Any company feeling itself aggrieved by the action of the Director in revoking its certificate of authority to do business in this state may bring suit against him in Franklin County to annul and vacate the order revoking such certificate.

§ 12. Failure to report or invest. If any company shall intentionally fail or refuse to make the investments required by this Act, or to make any report required by this Act, or to make any special report requested by the Director under authority of this Act, or generally to comply with any provision or requirements of this Act, while holding a certificate of authority to transact business in this state, or after it shall cease to write new business or cease to hold such certificate, such failure or refusal shall subject such company, in addition to the penalty provided in the preceding section, in cases to which said section may be applicable, to the payment of a penalty of twenty-five dollars per day for each day that such company shall remain in default after the Director shall notify such company of such default in the manner provided in the preceding section, to be recovered in a suit that may be brought by the Attorney General in behalf of the state in the District Court of Franklin County. In any suit brought to recover such penalty, there shall be a prima facie presumption subject to rebuttal, that any default that may have occurred was intentional; that the notice required by this Act was given, and the burden of proof shall be on the defendant

company to prove that the investments required by this Act were made as herein required whenever the question of whether or not such investments were thus made is in issue.

§ 13. Deposit by domestic company. Any life insurance company, organized under the laws of this state, may, at its option, deposit with the Treasurer of this state, securities in which its capital stock is invested, or securities equal in amount to its capital stock, of the class in which the law of this state permits insurance companies to invest their capital stock, and may, at its option, withdraw the same or any part thereof, first having deposited with the Treasurer, in lieu thereof, other securities of like class and equal amount and value to those withdrawn. Any such securities, before being so originally deposited or substituted, shall be approved by the Director; and, when any such deposit is made, the Treasurer shall execute to the company making such deposit a receipt therefor, giving such description of said stock or securities as will identify the same, and stating that the same are held on deposit as the capital stock investments of such company; and such company shall have the right to advertise such fact or print a copy of the Treasurer's receipt on the policies it may issue; and the proper officer or agent of each insurance company making such deposit shall be permitted at all reasonable times to examine such securities and to detach coupons therefrom, and to collect interest thereon, under such reasonable rules and regulations as may be prescribed by the Treasurer and the Director. The deposit herein provided for, when made by any company, shall thereafter be maintained so long as said company shall have outstanding any liability to its policy holders in this state.

§ 14. Not to apply to certain companies. The provisions of this Act requiring investments in Kentucky securities shall not apply to any life insurance company, the total amount of whose Kentucky reserves does not exceed five thousand dollars, or to any such company doing only a reinsurance business in this state, but all other provisions of this Act shall apply to such companies.

§ 15. Not to apply to fraternal societies. Nothing in this Act shall be held to apply to fraternal benefit societies as defined by the laws of this state.

§ 16. Companies desiring to loan money. Any life insurance company not desiring to engage in the business of writing life insurance in this state, but desiring to loan its funds in this state, may obtain a permit to do so by complying with the laws of this state relating to foreign corporations engaged in loaning money in this state, without being required to secure a certificate of authority to write life insurance in this state.

§ 17. Section 136.330 of the Kentucky Revised Statutes is repealed.

Ordered that said bill be printed and referred.

Mr. Jackson moved that the rules be suspended for the purpose of allowing report of Committees.

Said motion was agreed to by a majority of the members elected.

Thereupon Mr. Jackson of the Committee on Constitutional Amendments, to which the same had been recommitted, reported a bill of the following title, viz.:

H. B. No. 4. An Act to amend the Constitution of the Commonwealth of Kentucky to change the times for the election of public officers so as to reduce the number of elections to be held in the Commonwealth of Kentucky, and to fix the times for the meetings of the General Assembly made necessary by the change in the times of the elections of the members thereof.

With Committee amendment thereto by way of substitute therefor as previously adopted by the House.

(For bill and Committee amendment as adopted by the House see H. J. of January 28, 1948, ante.)

With the expression of opinion that same should pass.

Ordered that said bill be placed in the Orders of the Day.

Mr. Davidson of the Committee on Revenue and Taxation, to which the same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 213. An Act relating to income taxes, with particular relation to the allowance of deductions to individual taxpayers.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

S. B. No. 69. An Act amending and re-enacting Section 381.580 of the Kentucky Revised Statutes relating to condemnation of private passways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 381.580 of the Kentucky Revised Statutes relating to the condemnation of private passways, be and the same is hereby amended and re-enacted by striking therefrom the words, "which shall not exceed twenty feet," and inserting in lieu thereof the following words, "which shall not exceed sixty feet," and that said section 381.580 when amended and re-enacted shall read as follows:

"Whenever it appears to a county court that it is necessary for a person to have a private passway over the land of one or more persons to enable him to attend courts, elections, a meeting house, a mill, warehouse, ferry, a railroad depot, most convenient to his residence, to have a private tramroad

or haul road over the land of one or more persons to enable him to reach a warehouse, steamboat landing, ferry, railroad switch or navigable stream, for the purpose of operating and marketing the products from a lead mine, iron works, salt works, coal mine, fire clay and other minerals, oil well, stone quarry, sand bank or merchantable forest timber, the court shall appoint commissioners, as in case of a road. The commissioners after being sworn to discharge their duties faithfully and impartially shall go upon the land through which the passway, tramroad or haul is proposed, whether arable or not, and shall report in writing to the court whether or not a private passway, tramroad or haul road is necessary for any of the purposes aforesaid. If the commissioners are favorable to the passway, tramroad or haul road, they shall, in their report, designate the exact route for the same by metes and bounds, courses and distances, and the width thereof, which shall not exceed sixty feet, and they shall determine and assess what will be a just compensation to each owner and tenant for the land proposed to be taken, in the same manner as upon application to open and establish a new road."

2. Whereas, the economic development of Kentucky is being impeded due to lack of sufficient outlets for the natural resources of the state, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	L. W. Preston
Earl F. Ashcraft	Carson Hibbitts	E. F. Prichard
Sidney Baer	E. R. Hilton	Hobart Rayburn
Levi Baker	C. J. Holsclaw	Lilburn S. Rogers
Bernhardt Bauer	Clyde S. Howard	Amos Runyan
Isaac M. Blevins	D. W. Howard	Glenn Rushing
Chas. J. Bronston	M. G. Howard	Mrs. Rutherford
Mrs. Mary Burnett	Ira W. Hulette	D. B. Saylor
Chas. W. Burnley	Laban P. Jackson	James J. Shannon
A. H. Calvert	Kerby Jennings	Paul E. Shannon
Paul Carter	Paul S. Jonas	Jesse H. Shelton
Earl W. Christian	L. H. Jones	John M. Spaulding
George I. Cline	Harry K. Lowman	Chas. L. Spillman
Perry M. Cross	W. E. McClure	G. W. Steinford
B. G. Davidson	Ed Marcum	Albert Thomason
Owen Deering	E. H. Martin	J. B. Veech
G. I. Drury	C. D. Moberly	John C. Watts
Kermit Dwyer	Archie R. Moore	Lynn Boyd Wells
Otto W. Goff	Davis Moore	Charles W. Wirsch
N. M. Hamilton	Walter Moorman	—59

Those who voted in the negative were—

Henry J. Giles	Joe E. Nunn	LeRoy Saylor
F. G. Marquette	H. S. Overby	Harry Smith
E. C. Mullins	Ottis Roberts	G. C. Thornton

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Resolved that the title thereof be as aforesaid.

Mr. Durham W. Howard moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Jackson moved that the House do now adjourn to meet again at 1 o'clock, p. m., Tuesday, February 24, 1948.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 24, 1948

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend Wm. P. Wilhoyte, pastor of the Church of the Nazarene, of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	Clyde S. Howard	Amos Runyan
Jason Alford	R. N. Hubbard	Glenn Rushing
Roy W. Arnold	Ira W. Hulette	Mrs. Rutherford
Earl F. Ashcraft	Laban P. Jackson	Dr. K. N. Salyer
Sidney Baer	Kerby Jennings	D. B. Saylor
Levi Baker	Paul S. Jonas	LeRoy Saylor
Fred Beshear	L. H. Jones	James J. Shannon
Chas. J. Bronston	Ercel Kozee	Paul E. Shannon
Mrs. Mary Burnett	Harry K. Lowman	James S. Shaw
Chas. W. Burnley	F. G. Marquette	Jesse H. Shelton
Paul Carter	C. D. Moberly	John M. Spaulding
George I. Cline	Davis Moore	Chas. L. Spillman
Robert Collins	Walter Moorman	G. W. Steinford
Everett T. Cooper	E. C. Mullins	John M. Stumbo
Perry M. Cross	Stanley Murphy	Albert Thomason
Horace T. Cull	T. A. Noe, Jr.	G. C. Thornton
B. G. Davidson	Joe E. Nunn	Wilford S. Travis
G. I. Drury	H. S. Overby	J. B. Veech
Kermit Dwyer	J. H. Polsgrove	John C. Watts
Otto W. Goff	L. W. Preston	Lawrence Watts
Henry C. Hale	E. F. Prichard	Morris Weintraub
James P. Hanratty	Hobart Rayburn	Lynn Boyd Wells
Carson Hibbitts	Ottis Roberts	G. F. Williamson
C. J. Holsclaw	Lilburn S. Rogers	Charles W. Wirsch
Richard R. Houpt		

Dr. Salyer moved that the reading of the Journal of the House of the proceedings of Friday, February 20, 1948, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Rayburn moved that Master William Carter, of Tompkinsville, Kentucky, be made an Honorary Page.

Said motion was agreed to.

Mr. Moberly moved that the privilege of the floor be extended to Messrs. H. Ramsey, Glenn Nippert, George Gess and Ted Clark.

Said motion was agreed to.

Mrs. Burnett moved that little Misses Betty Burnett and Ann Isbell be made Honorary Pages for the day.

Said motion was agreed to.

Mr. Moorman moved that the privilege of the floor be extended to Mr. T. M. Hook.

Said motion was agreed to.

Mr. D. B. Saylor moved that the privilege of the floor be extended to Messrs. Gene Saylor and Bobby Thompson.

Said motion was agreed to.

Mr. Thornton moved that the privilege of the floor be extended to Mr. Otto Suther.

Said motion was agreed to.

Mr. Clyde S. Howard moved that the vote by which a bill of the following title, viz.:

H. B. No. 215. An Act providing for payments from the proceeds of the Sale of electrical energy of water and of gas service by publicly owned light, water or gas plants to the boards of education of public school districts in which the property or properties of such publicly owned light, or water or gas plants may be located, and providing a method of determining the amount thereof.

(For bill see H. J. of February 19, 1948, ante.)

Was rejected be reconsidered.

Said motion was agreed to by a majority of the members elected.

Thereafter such reconsideration.

Mr. Beshear moved that said bill be returned to the Orders of the Day.

Said motion was agreed to.

Ordered that said bill be placed in the Orders of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced, viz.:

By Mr. Roberts.

H .B. No. 348. An Act relating to coin-operated mechanical musical devices.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A license tax of fifteen dollars per annum is hereby imposed on each coin-operated mechanical musical device operated in this state, and an additional tax of one dollar on each separate control box used in connection with a master musical device. All such licenses shall be obtained and the tax paid on July 1 of each year. When any person applies for a license after July 1 of any year, he shall be charged an amount equal to as many twelfths of the annual license tax as there are calendar months remaining, including the month in which the license is granted, until the following July 1.

§ 2. The license provided for by Section 1 of this Act shall be issued by the county clerks on forms prepared and furnished by the Department of Revenue. Each license shall state the number of separate control boxes authorized to be used in connection with the master musical device licensed. The county clerk shall be entitled to a fee of fifty cents for issuing each license without regard to the amount of the tax. On or before the tenth day of each month the clerk shall pay to the Department of Revenue all amounts collected under this Act during the preceding month, less his fee for each license issued, together with such reports as may be required by the department.

§ 3. Should any owner of a master musical device desire during a license year to connect additional separate control boxes to the master device for which he already holds a license, he may have the county clerk cancel the old license and issue a new license in place thereof by paying the additional tax due under Section 1 of this Act. For this service the clerk shall be entitled to collect a fee of fifty cents from the person acquiring the license.

§ 4. No owner shall permit a coin-operated mechanical musical device to be operated without the payment of the license tax provided by this Act, nor shall any person permit the operation of such a device on his premises or in his place of business when the license tax has not been paid by the owner.

§ 5. No person shall attach or connect any gaming device to a coin-operated mechanical musical device, nor shall any owner of such a devise permit its operation with a gaming device attached or connected thereto.

§ 6. The Department of Revenue shall administer the provisions of this Act and shall have authority to adopt such reasonable rules and regulations as may be necessary.

§ 7. Any person violating any of the provisions of this Act shall be fined not less than one hundred nor more than five hundred dollars.

§ 8. The revenue collected from the license tax imposed by this Act, during the fiscal years 1948-1949 and 1949-1950 is

appropriated as follows: Fifty per cent to the Division of Child Welfare for administration of the Child Welfare Program and the payment of benefits for dependent children; and fifty per cent to the Department of Welfare for ordinary recurring expenses of operation of the state mental institutions. The amounts herein appropriated are in addition and supplemental to any other appropriations which may be made at the present session of the General Assembly for the purposes hereinabove stated.

H. B. No. 349. An Act providing for the censorship of all motion picture films publicly displayed or exhibited in the State of Kentucky, including provisions for the licensing of same; providing and fixing fees therefor to defray the expenses of administering this Act, and fixing and prescribing penalties for violations or infractions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. For the purposes of this chapter:

(1) "Division" shall mean the Division of Film Censorship of Kentucky.

(2) "Director" shall mean the director of the Division of Film Censorship.

(3) "Film" shall mean any motion picture film designed for public display or exhibition, except pictures or films depicting actual events or occurrances of a newsworthy value, regardless of whether or not a fee or admission charge is made to witness the showing of such film.

§ 2. (1) For the purpose of administering this Act there is hereby created a Board of Film Censorship. Said board shall be composed of nine members, eight of whom shall be appointed by the Governor. The Superintendent of Public Instruction shall be a member and shall be chairman thereof. The Governor shall appoint as members, in addition to his wife or any qualified person designated by her to serve as her

agent, one from a list of four names submitted by the State Federation of Woman's Clubs, one from a list of four names submitted by the Kentucky Educational Association, one from a list of four names submitted by the Kentucky Farm Bureau, one affiliated with a nationally recognized men's social service organization, one affiliated with a religious organization, one affiliated with the amusement industry, and one member from the Federal Bureau of Investigation.

(2) The members of the Board of Film Censorship shall serve without compensation but shall be reimbursed for necessary expenses incurred in the exercise of their official duties out of the account set up under subsection (1) of Section 4 of this Act for administration purposes.

§ 3. No person, firm or corporation shall display, exhibit, cause to be displayed or exhibited, or permit to be displayed or exhibited upon premises under their control, to the general public any motion picture film except in accordance with the provisions of this chapter.

§ 4. (1) It shall be the duty of the Board of Film Censorship to examine and censor, as herein provided, all motion picture films to be publicly exhibited and displayed in the State of Kentucky, and whenever necessary the Board of Film Censorship may designate certain of the assistants employed by the Division, whom under the direction and supervision of the Board of Film Censorship may examine motion picture films. Such films shall be submitted to the Division and passed and approved by the Division before they shall be delivered to any theatre or exhibitor for exhibition within the State of Kentucky. The Division shall charge a fee of $5.00 for each reel or film to be censored which does not exceed 1,000 lineal feet, and $5.00 for each additional 1,000 lineal feet or fractional part thereof. All monies so received shall be paid each month into the State Treasury, to be credited to the account of the Division of Film Censorship for necessary expenses incurred in administering this Act. All monies so received and remaining unexpended for administrative purposes at the end of the fiscal year shall be paid into and credited to the general revenue fund.

(2) Only such films as are in the judgment and discretion of the Board of Censors of a moral, educational or amusing or harmless character shall be passed and approved by the Board, or its designated assistants. The Board of Censorship shall pay particular attention to reviewing and censoring all films of or tending toward subversive or communistic activities. When a film has been censored by the Board of Censors a certificate evidencing the approval or rejection of such film shall be issued to the person, firm or corporation submitting the film for censorship. When a film is passed and approved by the Board of Censors such film shall be given an approval number which shall be shown on the certificate issued by the Board of Censors to the party submitting the film. Such certificate shall also show the title of such film and of eliminations ordered to be made from such film by the Board of Censors. For each film so approved there shall be issued by the Board of Censors an official stamp of approval of not less than 5 feet in length bearing the words "passed by the Kentucky Board of Film Censorship" and the number assigned to such film on the certificate of approval. The Board of Censors shall be authorized to recall any film for recensoring or to revoke any certicate permitting the exhibition of any film previously approved by them in the State of Kentucky, whenever in the judgment and discretion of the Board the public welfare requires such action. Before any motion picture shall be publicly exhibited, all eliminations ordered by the Board shall have been made by the person or persons submitting the same for approval, and there shall be projected upon the screen the official stamp of approval issued by the Board for such film at each public showing thereof.

(3) The Board of Censors may work in conjunction with any Censorship Board or Boards of legal status of other states as a censor congress and the action of such congress in approving or rejecting film shall be considered as the action of the Board and all films passed, approved, stamped and numbered by such congress shall, when the fees therefor have been paid to the Kentucky Division of Film Censorship, be considered as approved by such Board.

§ 5. (1) Any person, firm or corporation lending, selling, leasing or renting any motion picture film for public display to any person or persons within the State of Kentucky without having complied with the provisions of this Act shall, upon conviction, be fined not less than $500 nor more than $1,000 for each such offense. Each individual transaction, even though relating to the same subject film, shall constitute a separate offense.

(2) Any person, firm or corporation exhibiting motion picture film or displaying the same to the general public, whether a charge is made therefor or not, which film does not bear the official stamp of approval of the Board of Censorship of Kentucky shall, upon conviction, be fined not less than $200 nor more than $500 for each such offense. Every complete public showing of such unapproved film shall constitute a separate offense.

By Mr. Wells.

H. B. No. 350. An Act providing for state aid in the retirement of county road and bridge bonds, in the form of annual payments out of the proceeds received from the portion of the tax on gasoline that is set aside for the construction, reconstruction and maintenance of rural and secondary roads.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any county which has an outstanding bonded indebtedness for road and bridge purposes, incurred under the former "State Aid" plan, pursuant to which the proceeds of the bonds were turned over to the State Highway Commission for use by the Commission in constructing and developing the road system, shall be entitled to state aid in the retirement of such bonds as provided by this Act. Each county desiring to take advantage of such aid shall, within ninety days after the effective date of this Act, certify to the Department of Highways and to the State Local Finance Officer, the

amount of such outstanding bonds as of the effective date of this Act.

§ 2. Out of the amounts received each year from that portion of the tax levied by KRS 138.220 (as amended by House Bill 195 of the 1948 General Assembly) that is directed to be set aside for the construction, reconstruction and maintenance of the rural and secondary roads, there shall be set aside, each year, a sum sufficient to pay five per cent of the outstanding bonded indebtedness of each county as certified under the provisions of Section 1 of this Act. Such sum shall be applied in the retirement of the bonds in accordance with regulations prescribed by the County Debt Commission. Payments out of such sum shall be made upon requisition of the State Local Finance Officer.

By Mr. Lawrence Watts.

H. B. No. 351. An Act relating to Juries, with particular reference to the qualifications and selection of jurors.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 29.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a juror whose name is drawn from the drum has served in the circuit court on the regular panel within twelve months prior thereto, or if a juror summoned as a bystander has served on a jury in the circuit court as a bystander within twelve months prior thereto, such service shall be cause for challenge.

(2) No person shall be eligible to serve as a juror in any court inferior to the circuit court who has served as a juror in any inferior court within four months prior thereto, and such prior service shall be cause for challenge.

§ 2. Subsection (1) of Section 29.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The jury commissioners shall take the voters' registration books or lists and from them shall carefully select from the intelligent, sober, discreet and impartial citizens, resident housekeepers in different portions of the county, over twenty-one years of age, the following number of names of such persons:

(a) In counties having a population of ten thousand or less, not less than one hundred and sixty-two nor more than two hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than one hundred and sixty-two nor more than three hundred.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

By Mr. Bronston.

H. B. No. 352. An Act amending Subsection (5) of Section 132.590 of the Kentucky Revised Statutes providing for compensation of county tax commissioners and deputies.

Said bill is as follows, viz.:.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section (5) of Section 132.590 of the Kentucky Revised Statutes be amended to read as follows:

(5) In counties in which the assessed value of property exceeds fifteen million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies

the sum of one thousand five hundred dollars for each seven and one-half million dollars of the property assessed in excess of fifteen million dollars, but the total sum allowed to any county tax commissioner as deputy hire shall not exceed seven thousand five hundred dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630. In any county assessing more than one hundred and forty million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, six thousand dollars. In any county assessing more than one hundred million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, three thousand dollars. In any county assessing more than thirty-five million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, one thousand five hundred dollars.

By Mr. Burnley.

H. B. No. 353. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 141.010 of the Kentucky Revised Statutes is amended and reenacted to read as follows:

"As used in this chapter, unless the context requires otherwise:

"(1) 'Commissioner' means the Commissioner of Revenue.

"(2) 'Department' means the Department of Revenue.

"(3) 'Dividend' means any distribution made by a corporation out of its current earnings or profits, or out of its accumulated earnings or profits, to its shareholders or members, whether the distribution is made in cash or other property. It includes such portion of the assets of a corporation distributed at the time of dissolution as is in effect a

distribution of earnings or profits, provided the distribution constitutes income to its recipient. A distribution of stock shall not be considered a dividend but shall be considered under subsection (5) of this section as gain from securities when the new shares give shareholders a different interest in the corporation. In a distribution at the time of dissolution all money or other property received that is not in effect a distribution of earnings of the corporation shall be treated under subsection (1) of KRS 141.100. When, in connection with the merger or consolidation of affiliated corporations, one of the corporations carries on and absorbs the assets of one or more affiliates that are liquidated, the mere transfer of the earned surplus of the liquidating corporation to the books of the corporation with which it has merged shall not be deemed to have created any taxable gain.

"(4) 'Fiscal year' means an accounting period of twelve months, ending on any day of any month other than December 31.

"(5) 'Gross income' includes gains, profits and income derived from salaries, wages or compensation for personal services of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce or sales or dealings in property, whether real or personal, except as provided in sub-section (2) of KRS 141.100, growing out of the ownership, use or interest in such property, or for rent, royalties, interest, dividends, securities or transactions of any business carried on for gain or profit, or gains, profits and income derived from any source whatever including gains, profits and income derived through estates or trusts by the beneficiaries thereof, whether as distributive or as distributable shares. The amount of all these items shall be included in the gross income for the taxable year in which received by the taxpayer, unless under the methods of accounting permitted in this chapter, the amounts are to be properly accounted for as of a different period.

"(6) 'Gross income' does not include the following items, which shall be exempt from taxation under this chapter:

"(a) The proceeds of life insurance policies paid by reason of the death of the insured, except that interest thereon shall be assessed under the provisions of this chapter.

"(b) Amounts received, other than amounts paid by reason of the death of the insured, under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums paid thereon, except that in the case of annuities either for life or for a fixed term, the excess value thereof over the amount of the premiums paid, derived through application of the life expectancy under the United States mortality tables or the number of years of the fixed term, shall not be exempt, and shall, for the purpose of computing the annual taxable income, be divided by the number of years the annuities are payable. The annual income so computed shall be taxable as is other income.

"(c) The value of property acquired by gift, bequest, devise or inheritance received during the year, except that the income received by reason of such gifts, bequests, devises and inheritances shall be assessed under the provisions of this chapter.

"(d) Any amount received through accident or health insurance or under the workmen's compensation law for personal injuries or sickness, and the amount of any damages received, whether by suit or agreement, on account of such injuries or sickness.

"(e) Interest upon the obligations of the United States and of any instrumentalities of the Federal Government, and interest upon the obligations of this state or any of its political subdivisions and municipalities and instrumentalities thereof.

"(f) The term 'corporation' as used in KRS 141.100 to 141.990, inclusive, includes associations and joint stock companies.

"(7) 'Include', when used in a definition contained in this section, shall not exclude other things otherwise within the meaning of the term defined.

"(8) 'Individual' means all natural persons whether married or unmarried, and all trusts, estates, and fiduciaries

acting for other persons. It does not include corporations or partnerships acting in their own behalf.

"(9) 'Net income' means the gross income of a taxpayer less the deductions allowed by this chapter.

"(10) 'Partnership' includes all copartnerships, whether general or special, limited or unlimited, and all joint enterprises.

"(11) 'Resident' applies only to natural persons and includes, for the purpose of determining liability for the taxes imposed by this chapter upon the income of any taxable year, every person domiciled in this state and every other person who for more than six months of the taxable year has maintained his place of abode within this state, whether domiciled in this state or not, provided such abode is not of a temporary nature and there is no showing that actual domicile was maintained outside of this state. But any person who on or before the last day of the taxable year changes his place of abode to a place without this state, with the bona fide intention of continuing actually to abide permanently without this state, shall be taxable as a nonresident is taxable under this chapter on his income after the establishment of his abode in another state. The fact that a person who has changed his place of abode again resides within this state within six months of such change shall be prima facie evidence that he did not intend permanently to have his place of abode without this state. Such person not having returned his income for taxation as a resident of this state shall be deemed to have resided, on the day when his income should have been listed, at his last place of abode within this state. The fact that a person does not claim or exercise the right to vote at public elections within this state shall not of itself constitute him a nonresident of this state within the meaning of this chapter.

"(12) 'Taxable year' means the calendar year, or the fiscal year ending during the calendar year upon the basis of which the net income is computed under this chapter. It includes, in the case of a return made for a fractional part of a year under the provisions of this chapter, the period for which the return is made.

"(13) 'Taxpayer' includes any individual, corporation, partnership, association, trust or estate required by this chapter to pay tax or to file reports."

SECTION 2. Section 141.020 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

"(1) An annual tax shall be paid for each taxable year by every resident individual of this state, upon his entire net income as defined in this chapter for purposes of taxation, at the following rates, less the tax credits as authorized by KRS 141.060:

"(a) Two percent of the amount of net income not exceeding three thousand dollars.

"(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars.

"(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars.

"(d) Five percent of the amount of net income in excess of five thousand dollars.

"(2) An annual tax shall be paid for each taxable year at the rates specified in subsection (1) of this section upon the entire net income, except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property that has acquired a business situs within this state. The remainder of the income received by him shall be deemed nontaxable by this state.

"(3) In the case of a nonresident who derives income taxable under this chapter from sources in this state, the Commissioner of Revenue shall require not to exceed five percent of his income to be withheld by the employer or other

person making payments to the nonresidents in order to satisfy the state's income tax claim. On failure to withhold the tax or to remit it to the department within thirty days, the employer or other person hereby charged with the duty of withholding the tax shall be personally liable for the tax and the penalty and interest thereon. After the nonresident has submitted his annual return and it has been audited, the department shall refund any overpayment with interest at six percent per annum from the date received until certified for refund."

SECTION 3. Section 141.040 of the Kentucky Revised Statutes is amended and reenacted to read as follows:

"Every corporation organized under the laws of this state and every foreign corporation doing business in this state, or deriving income from activities or other sources in this state, except state and national banks and trust companies, building and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only, insurance companies, including farmers' or other mutual hail, cyclone, windstorm or fire insurance companies, insurers and reciprocal underwriters, and religious, educational, charitable and other corporations not organized or conducted for pecuniary profit, shall pay for each taxable year a tax to be computed by the Department of Revenue upon the entire net income of the corporation derived from business done, property located, activities or sources in this state. This tax shall be at the rate of four percent of the entire net income of the corporation, or the portion thereof taxable within this state, determined as provided in this chapter."

SECTION 4. Section 141.060 of the Kentucky Revised Statutes is amended and reenacted to read as follows:

"(1) The taxes due as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025 shall be credited with the following amounts:

"(a) Twenty dollars, in the case of an unmarried individual;

"(b) Fifty dollars, in the case of a married individual, living with husband or wife, and in the case of a head of a

family. If such husband and wife make separate returns, the tax credit allowed by this subsection may be taken by either or divided between them;

"(c) Ten dollars for each person, other than husband or wife, or the first dependent of a head of a family, dependent upon and receiving more than fifty percent of his support from the taxpayer during the taxable year for which the return is filed, if the dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

"(2) If the status of a taxpayer, insofar as it affects the credits allowed under subsection (1) of this section, shall change during the taxable year, the tax credit shall be determined in accordance with the status maintained for a period of six months or more during the taxable year.

"(3) In the case of nonresidents and of residents who receive credits on account of income taxes paid in other states, the tax deductions allowable under subsection (1) of this section shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources; or, if the taxpayer elects to pay the tax under KRS 141.025, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income from all sources."

SECTION 5. Section 141.080 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

"Taxpayers reporting income as prescribed by this chapter shall be allowed the following deductions:

"(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation paid for personal services actually rendered in producing the taxable income.

"(2) All interest paid or accrued within the taxable year, except on indebtedness incurred to purchase or continue to carry property the income from which is exempt from taxation under this chapter.

"(3) Property taxes, poll taxes, and franchise or license taxes paid to this state or its taxing subdivisions, and income taxes paid to the United States.

"(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise:

"(a) If incurred in a trade or business the income from which is subject to taxation under this chapter;

"(b) If incurred in any transaction entered into for profit which profit would be subject to taxaxtion under this chapter, though not connected with the trade or business; or

"(c) Of property arising from fire, storm, shipwreck or other casualty or from theft, though the property is not connected with the trade or business, but in the case of a taxpayer other than a resident, only of real property or tangible property having a permanent situs in this state.

"(5) Debts ascertained to be worthless and charged off within the taxable year. In the case of a debt existing on August 7, 1936, no more than its fair market value on that date shall be deducted. A worthless debt arising after that date from unpaid wages, salaries, sales, rent or any similar item of taxable income is not an allowable deduction unless the income which the item represents has been included as income by the taxpayer in a return rendered under this chapter. In the case of taxpayers who keep regular books of account on an accrual basis and according to standard accounting practice, there may be deducted, in lieu of the foregoing, additions to reserves for bad debts, under such rules as the Department of Revenue may prescribe. If the department at any time deems the reserve excessive, it may restore the excess to income either in a subsequent year or as a part of the income of the taxable year, and assess it accordingly.

"(6) The actual amount paid during the taxable year for repair and maintenance of buildings and machinery, but no deduction shall be made for any repair chargeable to residence property occupied by its owner, or for depreciation thereof. The value of the estimated annual rental of residence property occupied by the owner shall not be included in the income subject to taxation.

"(7) All fire, tornado and casualty insurance premiums paid during the taxable year on property held for investment or business.

"(8) A reasonable allowance for exhaustion, wear and tear of property used in trade or business, including a reasonable allowance for obsolescence and including, in the case of natural resources, allowances for depletion equivalent to those allowed under the Federal income tax law in effect on August 7, 1936.

"(9) Dividends received during the taxable year upon stock of national banks and of banks and trust companies organized under the laws of this state.

"(10) Contributions or gifts, if verified under the rules and regulations prescribed by the department, in a total amount not exceeding fifteen percent of the net income of individuals and not exceeding five percent of the net income of corporations as computed without the benefit of this subsection, made within the taxable year to or for the use of:

"(a) This state, its institutions, or any taxing subdivision of this state for exclusively public purposes.

"(b) Any corporation, trust, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, military or educational purposes exclusively in this state, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

"(c) Posts or organizations of war veterans or auxiliary units or societies of any such posts or organizations or units and organizations of the Kentucky National Guard, if they are organized in this state and if no part of their net earnings inures to the benefit of any private shareholder or individual.

"(d) A fraternal society, order or association operating under the lodge system, but only if the contributions or gifts are to be used exclusively for religious, charitable, scientific, literary or educational purposes in this state.

"(e) In the case of an individual, if in the taxable year and in each of the ten preceding taxable years the amount of the contributions or gifts described in this subsection, plus the amount of income taxes (both state and federal) paid during

such year in respect of preceding taxable years, exceeds ninety percent of the taxpayer's net income for each such year, as computed without benefit of this subsection, then the fifteen percen tlimit imposed by this subsection shall not be applicable.

"(11) All income received from the Federal Government by ex-service men or their dependents by reason of war-time service in the United States Army, Navy, Marine or Nursing Service of the United States Government.

"(12) In the case of a husband described in section 8 of this Act, amounts includible under section 8 of this Act in the gross income of his wife, payment of which is made within the husband's taxable year. If the amount of any such payment is, under section 8 or section 9 of this Act, stated to be not includible in such husband's gross income, no deduction shall be allowed with respect to such payment under this section.

"(13) Expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent specified in Section 141.060 to the extent that such expenses exceed 5 percent of the adjusted gross income. If only one exemption is allowed under KRS 141.060 for the taxable year, the maximum deduction for the taxable year shall be not in excess of $1,250. If more than one exemption is so allowed, the maximum deduction shall be not in excess of $2,500. The term 'medical care', as used in this section, shall include amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance."

SECTION 6. Section 141.100 of the Kentucky Revised Statutes is amended and reenacted to read as follows:

"(1) Gains or losses from the sale or other disposition of any property, unless otherwise provided, shall be treated for the purposes of this chapter as all other income or loss, if the property is disposed of within two years from the time acquired. The basis for computing such gain or loss shall be

the cost or, if acquired by some means other than purchase, the fair market value at the time acquired.

"(2) Income realized or loss sustained from the sale of property held two years or more shall be ignored in computing income for the purposes of this chapter except income from the sale of property items customarily included in an inventory, or property held primarily for sale to customers or for sale in the regular course of the taxpayer's trade or business.

"(3) Where property is exchanged for other property, the property received in exchange shall, for the purpose of determining the gain or loss, be treated as the equivalent of cash to the amount of its fair market value. When, in connection with the reorganization, merger or consolidation of a corporation, a taxpayer receives, in place of stock or securities owned by him, new stock or securities of the reorganized, merged or consolidated corporation, no gain or loss shall be deemed to occur from the exchange until the new stock or securities are sold or realized upon and the gain or loss is definitely ascertained. Until that time the new stock or securities received shall be treated as taking the place of the stock and securities exchanged."

SECTION 7. Section 141.210 of the Kentucky Revised Statutes is amended and reenacted to read as follows:

"As soon as practicable after each return is received, the Department of Revenue shall examine and audit. If the amount of tax computed by the department is greater than the amount returned to the taxpayer, the excess shall be assessed by the department within four (4) years from the date the return was originally due or filed, except that in the case of failure to file a return or of a fradulent return the excess may be assessed at any time and in the case of an incomplete return wherein the taxpayer omits from gross income an amount properly includible therein which is in excess of twenty-five (25%) percent of the amount of gross income stated in the return the excess may be assessed at any time within six (6) years after the return was filed. A notice of such assessment shall be mailed to the taxpayer. The time herein provided

may be extended by agreement between the taxpayer and the department."

SECTION 8. In the case of a wife who is divorced or legally separated from her husband under a decree of divorce or of separate maintenance, periodic payments (whether or not made at regular intervals) received subsequent to such decree in discharge of, or attributable to property transferred (in trust or otherwise) in discharge of, a legal obligation which, because of the marital or family relationship, is imposed upon or incurred by such husband under such decree or under a written instrument incident to such divorce or separation shall be includible in the gross income of such wife, and such amounts received as are attributable to property so transferred shall not be includible in the gross income of such husband. This section shall not apply to that part of any such periodic payment which the terms of the decree or written instrument fix, in terms of an amount of money or a portion of the payment, as a sum which is payable for the support of minor children of such husband. In case any such periodic payment is less than the amount specified in the decree or written instrument, for the purpose of applying the preceding sentence, such payment, to the extent of such sum payable for such support, shall be considered a payment for such support. Installment payments discharging a part of an obligation the principal sum of which is, in terms of money or property, specified in the decree or instrument shall not be considered periodic payments for the purposes of this section; except that an installment payment shall be considered a periodic payment for the purposes of this section if such principal sum, by the terms of the decree or instrument, may be or is to be paid within a period ending more than ten years from the date of such decree or instrument, but only to the extent that such installment payment for the taxable year of the wife (or if more than one such installment payment for such taxable year is received during such taxable year, the aggregate of such installment payments) does not exceed 10 per centum of such principal sum. For the purposes of the preceding sentence, the portion of a payment of the principal sum which is allocable to a period after the taxable year of

the wife in which it is received shall be considered an installment for the taxable year in which it is received. (In cases where such periodic payments are attributable to property of an estate or property held in trust, see section 9 of this Act).

SECTION 9. There shall be included in the gross income of a wife who is divorced or legally separated under a decree of divorce or of separate maintenance the amount of the income of any trust which such wife is entitled to receive and which, except for the provisions of this section, would be includible in the gross income of her husband, and such amount shall not be includible in the gross income of such husband. This section shall not apply to that part of any such income of the trust which the terms of the decree or trust instrument fix, in terms of an amount of money or a portion of such income, as a sum which is payable for the support of minor children of such husband. In case such income is less than the amount specified in the decree or instrument, for the purpose of applying the preceding sentence, such income, to the extent of such sum payable for such support, shall be considered a payment for such support.

For the purposes of computing the net income of the estate or trust and the net income of the wife described in this section, such wife shall be considered as the beneficiary, and any periodic payment to her shall be included in her gross income.

The purpose of this section is to treat alimony payments in the same manner for income tax purposes in which they are treated under the Federal income tax law.

SECTION 10. Any tax collected after the effective date of this Act, pursuant to the provisions of Chapter 141 of the Kentucky Revised Statutes, may be refunded in the manner provided in KRS 134.580 within four (4) years from the date the money was paid into the State Treasury.

H. B. No. 354. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Subsection (1) of Section 138.341 of the Kentucky Revised Statutes, 1946 edition, is amended to read as follows:

"(1) When liquid fuel on which the tax has been paid pursuant to the provisions of KRS 138.210 to 138.340 has been used for the purpose of operating any aircraft engaged in the transportation of persons or property, the purchaser of such liquid fuel so used shall be reimbursed to the extent of ninety percent of the tax paid. No tax shall be refunded except that paid upon such fuel used exclusively in such aircraft motors."

SECTION 2. Subsection (2) of Section 138.342 of the Kentucky Revised Statutes, 1946 edition, is amended to read as follows:

"(2) The Department of Revenue shall audit the application and make such other investigation as it deems necessary to determine whether it constitutes a proper claim. When the Department of Revenue is satisfied that a refund is proper, it shall authorize ninety percent of the amount of the tax paid to be refunded as other refunds are made and the amount refunded shall be deducted from current gasoline tax receipts."

SECTION 3. When the Department of Revenue finds that an application for a refund contains a false or fraudulent statement or that a refund has been fraudulently obtained, the Department of Revenue shall refuse to grant any refunds to the person making such false or fraudulent statement or fraudulently obtaining a refund for a period of two years from the date of such finding.

SECTION 4. Any person who makes a false or fraudulent statment in an aplication made pursuant to KRS 138.342 for a refund of taxes provided by KRS 138.341 or who fraudulently obtains such a refund or who knowingly aids or assists in making such a false or fraudulent statement or claim for refund, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor

more than five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

SECTION 5. Subsection (2) of Section 138.356 of the Kentucky Revised Statutes, 1946 edition, is amended to read as follows:

"(2) There is hereby established a 'Gasoline Tax Refund Expense Account', from which the expenses of the department equal to the cost of administering the provisions of this Act and KRS 138.341 to 138.357, inclusive, except litigation in the recovery of erroneous refunds, shall be paid."

SECTION 6. This Act shall be effective from and after July 1, 1948.

H. B. No. 355. An Act defining group life insurance and prescribing provisions which must be contained in policies providing for group life insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No policy of group life insurance shall be delivered in this state unless it conforms to one of the following descriptions:

(1) A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or part-

nerships is under common control through stock ownership, contract, or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the employer's funds or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employees. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least 75% of the then eligible employees, excluding any of whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, or all except any as to whom evidence of the individual insurability is not satisfactory to the insurer.

(c) The policy must cover at least 25 employees at date of issue.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees. No policy may be issued which provides insurance on any employee which together with any other insurance under any group life insurance policy or policies issued to the employer or to the trustees of a fund established in whole or in part by the employer exceeds $20,000.

(2) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

(a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebted-

ness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract or otherwise.

(b) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least 75% of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such indefinable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least 100 persons yearly, or may reasonably be expected to receive at least 100 new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than 75% of the new entrants become insured.

(d) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by him which is repayable in installments to the creditor, or $2,500 whichever is less.

(e) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

(3) A policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its

officials, representatives or agents, subject to the following requirements:

(a) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union or both.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least 75% of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at least 25 members at date of issue.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union. No policy may be issued which provides insurance on any union member which together with any other insurance under any group life insurance policies issued to the union exceeds $20,000.

(4) A policy issued to the trustees of a fund established by one or more employers in the same industry and one or more labor unions or by employer members of a trade association, which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions for the

benefit of persons other than the employers or the unions, subject to the following requirements:

(a) The persons eligible for insurance shall be all of the employees of the employers establishing the fund or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include retired employees.

(b) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employers of the insured persons. The policy must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at least 100 persons at date of issue and if the fund is being established by employer members of a trade association the policy may be placed in force only if the number of employer members establishing the fund is at least 75% of the total number of employer members of the trade association, excluding from such total number any member whose employees are already insured for group life insurance.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions. No policy may be issued which provides insurance on any person which together with any other insurance under any group life insurance policy or policies issued to the employers, or any of them, or to the trustees of a fund established in whole or in part by the employers, or any of them, exceeds $20,000.

GROUP LIFE INSURANCE STANDARD PROVISIONS

No policy of group life insurance shall be delivered in this state unless it contains in substance the following provisions, or provisions which in opinion of the Commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable to the policy holder, provided, however, (a) that provisions (6) to (10) inclusive

shall not apply to policies issued to a creditor to insure debtors of such creditor; (b) that the standard provisions required for individual life insurance policies shall not apply to group life insurance policies; and (c) that if the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a non-forfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder, but nothing herein shall be construed to require that group life insurance policies contain the same non-forfeiture provisions as are required for individual life insurance policies:

(1) A provision that the policyholder is entitled to a grace period of thirty-one days for the payment of any premium due except the first, during which grace period the death benefit coverage shall continue in force, unless the policyholder shall have given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder shall be liable to the insurer for the payment of a pro rata premium for the time the policy was in force during such grace period.

(2) A provision that the validity of the policy shall not be contested, except for nonpayment of premiums, after it has been in force for two years from its date of issue; and that no statement made by any person insured under the policy relating his insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of two years during such person's lifetime nor unless it is contained in a written instrument signed by him.

(3) A provision that a copy of the application, if any, of the policyholder shall be attached to the policy when issued, that all statements made by the policyholder or by the persons insured shall be deemed representations and not warranties, and that no statement made by any person insured shall be used in any contract unless a copy of the instrument containing the statement is or has been furnished to such person or to his beneficiary.

(4) A provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of his coverage.

(5) A provision specifying an equitable adjustment of premiums or of benefits or of both to be made in the event the age of a person insured has been misstated, such provision to contain a clear statement of the method of adjustment to be used.

(6) A provision that any sum becoming due by reason of the death of the person insured shall be payable to the beneficiary designated by the person insured subject to the provisions of the policy in the event there is no designated beneficiary as to all or any part of such sum living at the death of the person insured, and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a part of such sum not exceeding $250 to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the person insured.

(7) A provision that the insurer will issue to the policyholder for delivery to each person insured an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom the insurance benefits are payable, and the rights and conditions set forth in (8), (9) and (10) following.

(8) A provision that if the insurance, or any portion of it, on a person covered under the policy ceases because of termination of employment or of membership in the class or classes eligible for coverage under the policy, such person shall be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, provided application for the individual policy shall be made, and the first premium paid to the insurer within thirty-one days after such termination, and provided further that,

(a) the individual policy shall, at the option of such person, be on any one of the forms, except term insurance, then

customarily issued by the insurer at the age and for the amount applied for;

(b) the individual policy shall be in an amount not in excess of the amount of life insurance which ceases because of such termination, provided that any amount of insurance which shall have matured on or before the date of such termination as an endowment payable to the person insured, whether in one sum or in installments or in the form of an annuity, shall not, for the purposes of this provision, be included in the amount which is considered to cease because of such termination; and

(c) The premium on the individual policy shall be at the insurer's then customary rate applicable to the form and amount of the individual policy, to the class of risk to which such person then belongs, and to his age attained on the effective date of the individual policy.

(9) A provision that if the group policy terminates or is amended so as to terminate the insurance of any class of insured persons, every person insured thereunder at the date of such termination whose insurance terminates and who has been so insured for at least five years prior to such termination date shall be entitled to have issued to him by the insurer an individual policy of life insurance, subject to the same conditions and limitations as are provided by (8) above, except that the group policy may provide that the amount of such individual policy shall not exceed the smaller of (a) the amount of the person's life insurance protection ceasing because of the termination or amendment of the group policy, less the amount of any life insurance for which he is or becomes eligible under any group policy issued or reinstated by the same or another insurer within thirty-one days after such termination, and (b) $2,000.

(10) A provision that if a person insured under the group policy dies during the period within which he would have been entitled to have an individual policy issued to him in accordance with (8) or (9) above and before such an individual policy shall have become effective the amount of life insurance which he would have been entitled to have issued to him under such individual policy shall be payable as a claim

under the group policy whether or not application for the individual policy or the payment of the first premium therefor has been made.

H. B. No. 356. An Act providing for the investment of funds of the teachers' retirement system and amending KRS 161.430.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 161.430 of KRS be amended and re-enacted so that when re-enacted it shall read as follows:

(1) The board of trustees shall be the trustee of the funds of the retirement system, and shall have full power and responsibility for the investment and disbursement of the funds. No investment shall be made of the funds except in the following:

(a) Obligations of or guaranteed by the United States Government.

(b) Obligations of any state, or of any city in this state of the first, second or third class.

(c) First mortgages on real estate in this state not exceeding fifty percent of the appraised value thereof.

(d) Deposits in banks or trust companies in this state organized under the laws of this state or the United States, when such deposits are interest-bearing at a rate not lower than three percent per annum, and when such deposits are secured by the deposit of security approved by the State Treasurer and the board of trustees.

(e) School Improvement Bonds of school districts when issued as authorized under KRS 162.080 to 162.110, provided that said bonds shall not have been in default for a period of five years before such investment be made.

(f) Revenue Bonds of school districts, when issued as authorized under KRS 162.150 to 162.300, provided that said bonds shall not have been in default for a period of five years before such investment be made.

(g) Revenue Bonds of State Educational Institutions when issued as authorized under KRS 162.310 to 162.380, provided that said bonds shall not have been in default for a period of five years before such investment be made.

By Messrs. Clyde S. Howard and John C. Watts.

H. B. No. 357. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.020 is amended and reenacted to read as follows:

An annual ad valorem tax for state purposes of five cents upon each one hundred dollars of value of all real property directed to be assessed for taxation, and twenty-five cents upon each one hundred dollars of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or other wise, or unsecured, and fifty cents upon each one hundred dollars of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in KRS 132.030, 132.050, 136.270, 136.300, 136.320, and other sections providing a different tax rate for particular property.

The rates herein prescribed shall apply to all assessments made as of any assessment date in the year 1947 and all subsequent years.

Section 2. KRS 132.050 is amended and reenacted to read as follows:

An annual tax at the rate of ten cents on each one hundred dollars of the fair cash value, based upon the assessed value as of January 1, 1948, and each year thereafter, of all items of direct or contingent indebtedness of customers to brokers making purchases or sales of securities for them in margin transactions shall be paid by such brokers. This tax shall be for state purposes only, and in lieu of all other ad valorem

taxes by the state or by any county, city or other taxing district on such indebtedness to brokers. The assessment, the date thereof, and the equalization and collection of the tax shall be governed by the general laws applicable to intangible personal property other than that referred to in KRS 132.060.

Section 3. KRS 132.220 is amended and reenacted to read as follows:

(1) Money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and all interest in such property, unless otherwise provided by law shall be listed, assessed and valued as of the beginning of business on January 1, 1948, and of each year thereafter. All other taxable property and all interest in other taxable property shall be listed, assessed and valued as of July 1 of each year unless otherwise provided by law. It shall be the duty of all persons owning or having any interest in any real estate situated in this state or owning or having any interest in any personal property having a taxable situs in this state to list or have listed between July 1 and September 1 of each year such property with the county tax commissioner of the county where it is located, except as otherwise provided by law. All persons in whose name property is properly assessed shall remain bound for the tax, notwithstanding they may have sold or parted with it.

(2) Real property or any interest therein shall be listed in the county or district where it is located, by the owner of the first freehold estate therein, and it shall be assessed without reference to conflicting title. If the owner fails to list the property, the county tax commissioner shall list it. The county tax commissioner may swear witnesses in order to ascertain the person in whose name to make the list.

(3) Real property shall be assessed in the name of the owner, if ascertainable by the tax commissioner, otherwise in the name of the occupant, if ascertainable, and otherwise to "Unknown owner." The undivided real estate of any deceased person may be assessed to the heirs of such person without designating them by name.

Section 4. KRS 132.230 is amended and reenacted to read as follows:

(1) Every person listing his property with the county tax commissioner shall state:

(a) Each separate tract of land, with the number of acres in each tract, the price per acre; the improvements thereon; the name of the nearest resident thereto; where located, giving the election precinct in which it is located; the number of each city lot and the improvements thereon, in what city, on which street, the value of each, and the value of the improvements thereon to the extent that they enhance the value of each lot;

(b) Whether there is any land adjoining his owned by a nonresident of the county or state, giving the name and place of residence of any such owner, if known;

(c) The number of stallions, geldings, mares and colts, their value, and whether of registered or of common or mixed stock, the number of mules, registered jacks, jennets and mule colts, and their value; the number of bulls, steers, cows and calves their value, and whether of registered or of common or mixed stock;

(d) All other property including the number, denomination and fair cash value of all bonds subject to taxation owned by him with the value thereof on January 1 of the year for which the list is given, unless otherwise provided by law, and such other facts as may be required in the blanks provided.

(2) An error or informality in the description of location or the property, or in the name of the owner or person assessed, shall not invalidate the assessment if the property can with reasonable certainty be located from the description given, in which case the collector may receive the taxes and by his receipt correct the error or informality.

Section 5. KRS 132.270 is amended and reenacted to read as follows:

Every person engaged in the business of receiving property in pledge or as security for money or other things advanced to pawners or pledgers shall return, under oath, the fair cash value of all property so pledged and held on July 1 of each year; except that all intangible personal property referred to in KRS 132.220 so pledged and held shall be re-

ported and valued as of January 1, 1948, and of each year thereafter. Taxes shall be assessed on the value of such property to the person holding it as on other property owned by him and he shall have a lien on the property to secure the amount of tax paid.

Section 6. KRS 132.490 is amended and reenacted to read as follows:

(1) Each county clerk shall, by August 1 of each year, unless the time is extended by the Department of Revenue, make and certify to the various county tax commissioners complete statements of all purchase money notes, mortgage notes and other obligations for money due, except those owned by banks, trust companies or real estate title insurance companies, as shown by the conveyances, mortgages and liens in his office. The statements shall distinctly show the dates of execution and maturity of the notes or other evidences of indebtedness, the consideration, the date of filing or recording, the amount, and the county of the residence of the owner, payee, beneficial holder thereof or other person liable for taxes thereon.

(2) The statements shall be made to each county tax commissioner of the state as to the notes or other evidences of indebtedness owned or held by persons residing or having their principal place of business in the county of that tax commissioner. Each statement shall cover a period of one year next prior to January 1 of each year beginning with January 1, 1948. The statements shall be sworn to by the clerk before some person authorized to administer oaths, as a complete statement of the facts.

(3) For his services in making these statements, the clerk shall be paid a reasonable compensation by the fiscal court of his county.

Section 7. KRS 132.520 is amended and reenacted to read as follows:

(1) Every bank, trust company, combined bank and trust company, and real estate title insurance company doing business in this state shall, by August 1 of each year, unless the time is extended by the Department of Revenue, file with the

department a report sworn to by its president, vice president, treasurer or cashier, showing as of January 1 of each year beginning January 1, 1948:

(a) A list of the notes, bonds or other evidences of indebtedness secured by mortgage or other recorded instrument standing in its name of record that it has assigned or transferred during the preceding year without making a transfer of record, the amount of each, and the name and address of the person to whom each was assigned. Where the name and address of the transferee holding the securities on January 1 of any year is given, any previous transfers of the securities during that year need not be furnished.

(b) A list of the mortgages standing in its name on January 1 that were assigned of record to it during the preceding year with its knowledge and consent, where it has not become the absolute owner of the debt secured thereby, showing the amount of each such mortgage and the name and address of each assignor. Any mortgage assigned to it during any year and paid and released of record prior to January 1 need not be included in the report.

(c) A list of all debenture bonds, collateral trust bonds, notes, certificates and other evidences of indebtedness issued, assigned or transferred by it during the preceding year that are secured by and represent the beneficial interest in stocks, lien notes, bonds or mortgages standing in its name of record, the amount of each such evidence of indebtedness, and the name and address of the person to whom each was assigned or transferred. Where the name and address of the transferee holding the securities on January 1 of any year is given, any previous transfer or assignment of the securities need not be furnished.

(d) A list of all stocks, lien notes, bonds, mortgages, certificates and other evidences of indebtedness that it has assigned or transferred to any person as security for the issuing of any debenture or collateral trust bonds, the amount of each, and the name and address of the person to whom each was assigned.

(2) The reports required under paragraphs (a) and (b) of subsection (1) of this section need not include sales or

pledges from one bank, trust company or combined bank and trust company to another such bank or company, or notes or obligations secured by any recorded instrument executed to a bank, trust company or a combined bank and trust company in which the obligations secured by the instrument are divided among estates or accounts in charge of the bank or company and regularly and properly entered on its records. The provisions of this section do not apply to mortgages made by corporations to trustees to secure bond issues made by them in the regular course of business, except as provided in paragraph (c) of subsection (1) of this section.

(3) The information thus obtained shall be communicated by the department to the county tax commissioner and the board of supervisors of the respective counties in which the true owners of the debts reside.

Section 8. KRS 136.030 is amended and reenacted to read as follows:

(1) The individual stockholders of a corporation shall not be required to list their shares for ad valorem taxation so long as the corporation pays taxes to the State of Kentucky on at least seventy-five percent of its total property, wherever located, provided, however, that bonds and obligations of the United States of America and its possessions and bonds and obligations of the State of Kentucky, its instrumentalities and its political subdivisions and their instrumentalities shall not be considered in the computation of the total property of the corporation, wherever located, nor in the computation of the amount of property upon which the corporation pays ad valorem taxes to the State of Kentucky. In order to obtain this exemption the stockholder must furnish satisfactory proof to the Department of Revenue that at least seventy-five percent of the total property of the corporation as hereinabove specified is taxed in the State of Kentucky.

(2) Every corporation organized under the laws of this state, or doing business in this state, whose stock is liable to assessment and taxation under subsection (1) of his section, except banks, trust companies, or combined banks and trust companies doing business in this state and domestic life in-

surance companies, shall by June 1 of each year make a true and correct report to the Department of Revenue, verified by its president, secretary, treasurer or other chief officer, giving the names and addresses of residents of this state who hold its shares of stock and outstanding bonds as of January 1 previous thereto, and also the transfer of any of its stocks or bonds by residents of this state to nonresidents within thirty days previous to January 1.

H. B. No. 358. An Act relating to revenue and taxation, particularly to the taxation of transfers of property or any interest therein.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 140.070 of the Kentucky Revised Statutes is amended to read as follows:

"The tax upon transfers of property as defined in the preceding sections of this chapter shall be at the following rates:

'(1) Class A. In case the transfer is to or for the benefit of a parent, surviving spouse, child by blood, stepchild, child adopted during infancy or a grandchild who is the issue of a child by blood, of a stepchild or of a child adopted during infancy, the tax, subject to the exemptions provided in KRS 140.080, shall be:

On its value not exceeding $20,000 ..... 2%

On its value exceeding $20,000, but not exceeding $30,000 ..... 3%

On its value exceeding $30,000, but not exceeding $45,000 ..... 4%

On its value exceeding $45,000, but not exceeding $60,000 ..... 5%

On its value exceeding $60,000, but not exceeding $100,000 ..... 6%

On its value exceeding $100,000, but not exceeding $200,000 ..... 7%

On its value exceeding $200,000, but not exceeding $500,000 ..... 8%

On its value exceeding $500,000 ..... 10%

'(2) Class B. In case the tranfer is to or for the benfit of a brother, sister, brother or sister of the half-blood, nephew, niece, nephew or niece of the half-blood, daughter-in-law, son-in-law, aunt or uncle, the tax, subject to the exemption provided in K.R.S. 140.080, shall be:

On its value not exceeding $10,000 ..... 4%

On its value exceeding $10,000, but not exceeding $20,000 ..... 5%

On its value exceeding $20,000, but not exceeding $30,000 ..... 6%

On its value exceeding $30,000, but not exceeding $45,000 ..... 8%

On its value exceeding $45,000, but not exceeding $60,000 ..... 10%

On its value exceeding $60,000, but not exceeding $100,000 ..... 12%

On its value exceeding $100,000, but not exceeding $200,000 ..... 14%

On its value exceeding $200,000 ..... 16%

'(3) Class C. In case the transfer is to or for the benefit of any person not exempted by K.R.S. 140.060 nor included in either Class A or Class B, the tax, subject to the exemption provided in K.R.S. 140.080 shall be:

On its value not exceeding $10,000 ..... 6%

On its value exceeding $10,000, but not exceeding $20,000 ..... 8%

On its value exceeding $20,000, but not exceeding $30,000 ..... 10%

On its value exceeding $30,000, but not exceeding $45,000 ..... 12%

On its value exceeding $45,000, but not exceeding $60,000 ..... 14%

On its value not exceeding $60,000 ..... 16%

SECTION 2. The provisions of K.R.S. 140.010 to 140.090 shall not apply where a decedent, who was domiciled in this state at the time of his death, has a net estate of the fair cash value of three million dollars or more which would otherwise be taxable by this state for inheritance tax purposes. Such estates shall not be subject to an inheritance tax but shall be subject to an estate tax only which shall be equal to the amount of the credit allowable for state death taxes under the applicable Federal tax law. Such taxes shall be collected as provided in K.R.S. 140.130 and 140.140.

SECTION 3. Section 140.080 of the Kentucky Revised Statutes is amended to read as follows:

"(1) There shall be free from any tax under the preceding provisions of this chapter the following inheritable interests:

"(a) Wife or infant child by blood or a child by blood who has been declared incompetent by a court of competent jurisdiction, $10,000;

"(b) All other persons of Class A, under K.R.S. 140.070, $5,000;

"(c) All persons of Class B, under K.R.S. 140.070, $1,000; and

"(d) All persons of Class C, under K.R.S. 140.070, $500.00.

"(2) If the decedent was not a resident of this state, the exemption shall be the same proportion of the allowable exemption in the case of residents that the property taxable by this state bears to the whole property transferred by the decedent.

"(3) The exemptions provided in this section shall be subtracted from the value of the respective distributive shares before the rates, provided in KRS 140.070, are applied thereto to determine the amount of tax due thereon."

SECTION 4. Section 140.090 of the Kentucky Revised Statutes is amended to read as follows:

"In calculating the value of the distributive shares the following deductions and no others shall be allowed:

'(a) Debts of the decedent, except debts secured by property not subject to the tax jurisdiction of Kentucky; and except debts barred by the Statute of Limitations;

'(b) Taxes accrued and unpaid, except those on property not subject to the tax jurisdiction of Kentucky;

'(c) Death duties paid to foreign countries;

'(d) Federal estate taxes, in the proportion which the net estate in Kentucky subject to Federal estate taxes bears to the total net estate everywhere subject to Federal estate taxes; all calculations are subject to approval by the Department of Revenue;

'(e) Drainage, street or other special assessments due and unpaid which are a lien on said property;

'(f) Funeral, monument, and cemetery lot maintenance expenses actually paid not exceeding in total sixteen hundred dollars;

'(g) Commission of executors and administrators in the amount actually allowed and paid;

'(h) Cost of administration, including attorney's fees actually allowed and paid.''

SECTION 5. (1) As used in this section the word ''transfer'' means a taxable transfer under the provisions of Chapter 140 of the Kentucky Revised Statutes.

(2) Subject to the provisions of this section, any person to whom property is transferred shall be allowed a credit against the tax imposed by KRS 140.070, if the property was transferred to the immediate decedent within five years prior to the death of the immediate decedent and a tax paid on the prior transfer under the provisions of Chapter 140 of the Kentucky Revised Statutes. To be entitled to such tax credit, the person claiming it shall identify the property as having been so transferred and taxed or identify the property as having been acquired in exchange for property so transferred and taxed.

(3) The tax credit shall be computed by allocating to that part of the previously taxed property, which is the subject of the immediate transfer, the proportionate part of the tax paid on the prior transfer as the present value of the

previously taxed property transferred to the immediate beneficiary or distributee bears to the total present value of all the property received by the immediate decedent from the prior decedent which is transferred to all the immediate beneficiaries or distributees. Provided, however, that the tax credit shall not exceed an amount equal to such proportion of the total tax due on all property transferred to the immediate beneficiary or distributee from the immediate decedent (computed before any tax credit is applied) as the present value of the previously taxed property transferred to the immediate beneficiary or distributee from the immediate decedent bears to the present value (including any exemption allowed) of all property transferred to the immediate beneficiary or distributee from the immediate decedent. If the estate of the immediate decedent consists in part of property not previously transferred and taxed as described in subsection (2), it shall be presumed for the purpose of this subsection, unless the contrary clearly appears, that each distributive share of the entire estate includes the same proportion of the previously taxed property as the entire value of each share bears to the aggregate value of all the entire shares.

SECTION 6. Subsection (3) of Section 140.160 of the Kentucky Revised Statutes is amended to read as follows:

"Except as herein provided, no action to enforce the collection of the tax imposed by this chapter shall be commenced more than ten years after the cause of action first accrued. In case the settlement of an estate is delayed because of litigation or other unavoidable cause, as described in subsection (1) of KRS 140.210, such delay shall suspend the limitation, prescribed by this subsection, until the cause of delay is removed. In the case of a fraudulent return or any other fraudulent representation affecting the amount of or the liability for the tax imposed by this chapter, notwithstanding any provision of limitation provided elsewhere, the tax due by reason thereof may at any time be assessed and collected by the methods set out in this chapter, including action in a court of competent jurisdiction."

SECTION 7. Section 140.240 of the Kentucky Revised Statutes is amended to read as follows:

"The personal representative of any estate from which a tax is or may be due may make an estimate agreeable to the Department of Revenue and pay that amount to the department, which shall receipt therefor, at anytime before the amount of tax is determined, and shall thereupon be entitled to the discount and be relieved of interest and penalty. Permits shall then be issued for the transfer of securities or real property upon the amount so paid in the same manner as if the tax were then determined. Any excess so paid shall be refunded to the person paying or entitled thereto, out of the General Fund in the same manner and subject to the same conditions as other refunds are made except that, the request for the refund may be made at anytime within two years after the date of the final assessment made by the department."

SECTION 8. Section 140.040 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Whenever any person shall exercise a power of appointment derived from any disposition of property (whether by will, deed, trust agreement, contract, insurance policy or other instrument) regardless of when made, such appointment when made shall be deemed a transfer taxable under the provisions of this chapter in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person possessing such a power of appointment so derived shall omit or fail to exercise the same in whole or in part, within the time provided therefor, a transfer taxable under the provisions of this chapter shall be deemed to take place to the person or persons receiving such property as a result of such omission or failure to the same extent that such property would have been subject to taxation if it had passed under the will of the donee of such power.

"(2) When the death of the donor of a power of appointment occurs on or after April 24, 1936, the transfer shall be deemed to take place, for the purpose of taxation, at the time of the death of the donor and the assessment be made at that time against the life interest of the donee and the remainder against the corpus. In the event this provision should operate

to provide an exemption for any beneficiary of a donee not authorized by KRS 140.080, then this exemption shall be retrospectively disallowed. It is further provided that the remainder interest passing under the donee's power of appointment, whether exercised or not, shall be added to and made a part of the distributable share of the donee's estate for the purpose of determining the exemption and rates applicable thereto. In such cases the value of the property to which the power of appointment relates shall be determined as of the date of the death of the donor, and shall be taxed at at the rates and be subject to the exemptions in effect at the death of the donor, but the determination of the applicable rates and exemptions (in effect at the death of the donor) shall be governed by the relationship of the beneficiary to the donee of the power of appointment.

"(3) Where the death of the donor of a power of appointment occurred prior to April 24, 1936, the transfer shall be deemed to take place, for the purpose of taxation, at the time of the death of the donee, in the same manner as though the property to which the appointment relates belonged absolutely to the donee of such power. In such cases, the value of the property to which the power of appointment relates shall be determined as of the date of the death of the donee and shall be taxed at the rates and be subject to the exmptions in effect at the death of the donee. The determination of the applicable rates and exemptions (in effect at the death of the donee) shall be governed by the relationship of the beneficiary to the donee of the power of appointment."

SECTION 9. Whenever any bond or other evidence of indebtedness, the property rights to which are determined by contract with or the laws or regulations of the United States rather than the general laws of this state, is registered jointly in the names of two persons as coowners and the payment thereof may be made to either coowner upon his separate request, the right of the survivor of such coowners shall be deemed a transfer under Chapter 140 of the Kentucky Revised Statutes to the extent herein provided, regardless of who may have possession of the bond or other evidence of indebtedness. If the rights of each of the coowners were acquired other than

for an adequate and full consideration in money or money's worth, the extent to which the survivor's right therein shall be deemed a transfer shall be governed by KRS 140.050. If the rights of either coowner was acquired for an adequate and full consideration in money or money's worth, then upon the death of either coowner the right of the survivor shall be deemed a transfer to the extent that the value of the bond or other evidence of indebtedness represents the contribution in money or money's worth made by the deceased coowner in the acquisition of such bond or other evidence of indebtedness. The provisions of this section shall apply to the right of any survivor described herein, if the death of the deceased coowner occurs on or after the effective date of this section, whether the bond or other evidence of indebtedness was acquired before or after the effective date of this section. Except as to the extent specifically provided herein, the provisions or the application of this section shall not be construed to repeal, amend or affect the application of KRS 140.050.

SECTION 10. Subsection (1) of Section 140.110 of the Kentucky Revised Statutes is amended to read as follows:

"In the case of estates in expectancy which are contingent or defeasible, a tax shall be levied at the rate which, on the happening of the most probable contingencies or conditions named in the will, deed, trust agreement, contract, insurance policy or other instrument, would be applicable under the provisions of this chapter. Monies so collected shall be distributed as are other inheritance tax funds. If the property so taxed shall ultimately vest in possession in persons taxable at a lower rate, or in a person or a corporation exempt from taxation by this chapter, upon application by such beneficiary to the Department of Revenue for refund of any excess tax, the Department of Revenue, after investigation, shall certify to the Department of Finance the amount of such refund. The Department of Finance shall refund such excess payment of tax in the same manner as other refunds are made."

SECTION 11. Section 140.260 of the Kentucky Revised Statutes is amended to read as follows:

"Notwithstanding any of the provisions of this chapter, any life insurance company may pay the proceeds of any policy upon the life of a decendent or the balance due at the death of the decedent on an annuity contract to the person entitled thereto as soon as it has mailed to the Department of Revenue a notice, in such form as the department may prescribe, setting forth the fact of such payment. The department may by regulation dispense with the requirement for this notice as to payment of policy proceeds amounting to one thousand dollars or less."

SECTION 12. Subparagraph (i) of Section 140.090 of the Kentucky Revised Statutes is repealed.

SECTION 13. Subsections (1) and (3) of Section 140.180 of the Kentucky Revised Statutes are repealed.

SECTION 14. As used in Sections 14 to 33 of this Act, unless the context otherwise requires:

(1) "Property" means any real, personal or mixed property or any interest therein of a resident or nonresident donor and includes:

(a) All real property within this State, and

(b) All tangible and intangible personal property the gift of which this State may constitutionally tax.

(2) "Gift" includes the passage by gift of any property or income therefrom, in possession or enjoyment, present or future, in trust or otherwise, directly or indirectly, or any transfer made with donative intent. Where property is transferred, with donative intent, for less than an adequate and full consideration in money or money's worth, the amount by which the value of the property exceeds the value of the consideration is included in the word "gift". "Gift" does not include any transfer of property in trust where the power to revest in the donor title to the property is vested in the donor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the property. However, "gift" does include the relinquishment or termination of any such power, other than by the donor's death, a transfer by the donor by gift of the property subject

to the power, and any payment of the income from the property to a beneficiary other than the donor.

(3) "Donor" includes any person who transfers property to another with donative intent.

(4) "Donee" includes any person who receives property transferred to him from a donor.

(5) "Net gifts" means the total amount of the fair cash value of gifts made, after the effective date of this Act, during a calendar year less the annual exemption allowed in Subsection (2) of Section 16 for the particular year.

(6) "Department" means the Department of Revenue.

SECTION 15. For the calendar year 1948 and each calendar year thereafter, a tax is imposed upon the transfer during such calendar year by any person by gift. The tax shall be computed upon the fair cash value of the property at the date of the gift and shall be at the rates and according to the classifications prescribed for inheritance tax purposes in KRS 140.070, except that the rates for gift tax purposes shall be seventy-five percent of the applicable rates for inheritance tax purposes, and except that the exemptions provided for inheritance tax purposes in KRS 140.080 shall not be allowed in determining the amount of the gift tax. For each calendar year the tax shall be an amount equal to the excess of (1) a tax computed by applying the rates, hereinabove prescribed, to the aggregate sum of the net gifts for such calendar year and all preceding calendar years, over (2) a tax computed in like manner for all preceding calendar years.

SECTION 16. (1) All gifts to educational, religious or other institutions, societies, or associations, whose sole object and purpose are to carry on charitable, educational, or religious work within the state, all transfers for or upon trust for any charitable, educational, or religious purpose in this state and all transfers to cities and towns or public institutions in this state for public purposes, shall be exempt from the tax imposed by section 15 of this Act. But no such corporation or association shall be entitled to such exemption if any officer, member, shareholder, or employe thereof shall receive

or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes or as proper beneficiaries of its strictly charitable purpose; or if the organization thereof, for any such avowed purpose, be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employes, or if it be not in good faith organized or conducted exclusively for one or more of such purposes. Provided, however, that all gifts for, or in trust for, educational, religious or other institutions, societies or associations whose sole object and purpose are to carry on charitable, educational, or religious work and all transfers for, or in trust for, any city, county, state, or other public agency, if the said charitable, educational, religious or public activity be in some state other than Kentucky, shall be exempt only if the state in which said charitable, educational religious, or public activity is situated levies no tax on gifts to Kentucky charitable, educational, religious, or public purposes.

(2) Gifts of property (other than of future interests in property) in the aggregate value of $3,000 made by any donor to any donee in any one calendar year shall be exempt from and excluded in computing the tax imposed by Section 15 of this Act. Any portion of the annual exemption which is not used in any particular year shall not be applied to gifts made in any other calendar year.

SECTION 17. (1) The tax imposed by Section 15 of this Act shall apply to one-half, or other proper fraction, of the value of any real or personal property purchased by an individual with his own funds, where title to such property is taken in the name of such individual and one or more other persons as joint tenants with rights of survivorship, or as tenants by the entirety. Where a person, without adequate and full consideration in money or money's worth creates, out of his own separate estate in either real or personal property, a joint estate with the right of survivorship or an estate by the entirety, with one or more other persons, the tax shall apply to one-half or other proper fraction of the

value of the property. The tax shall also apply to the extent of the amount of a joint blank account or similar account drawn by a person for his own individual benefit from funds furnished by another with a donative intent.

(2) The tax imposed by section 15 of this Act shall apply to the assignment of a life insurance policy by the insured or the designation in such policy of a beneficiary by the insured, where the insured does not retain what amounts to the power of revocation as, for example, the right to surrender or cancel the policy, the right to obtain a loan against the policy or its cash surrender value, or a right to change the beneficiary or assignee. In the case of a right to change the beneficiary or assignee, the right of revocation shall be construed to be retained only in case the insured retains the right to make the proceeds of the policy payable to the insured, his estate or otherwise for his benefit. Such assignment or designation shall constitute a gift, and be subject to the tax, even though the right of the assignee or beneficiary to receive the proceeds is conditioned upon his surviving the insured.

(3) If a person purchases, in whole or in part, with his separate funds any bond or other evidence of indebtedness, the property rights to which are determined by contract with or the laws or regulations of the United States rather than the general laws of this state, and causes same to be registered in his name and that of another individual as coowner, and the payment thereof may be made to either coowner upon his separate request, the tax shall not apply unless and until the purchaser during his lifetime gratuitously permits such other person to redeem such bond or other evidence of indebtedness and retain the proceeds thereof as such other person's separate property. In such event the tax shall apply to such proportion of the value at the time of the redemption of the bond or other evidence of indebtedness as represents the contribution in money or money's worth which the donor made in the acquisition of such bond or other evidence of indebtedness.

SECTION 18. (1) The value of every future, contingent or limited estate, income or interest for the purposes of sec-

tion 15 of this Act shall be determined by the rules, methods and standards of mortality and of value prescribed by the appropriate United States life mortality table for ascertaining the value of life estates, annuities and remainder interests except that the rate of interest assessed in computing the present value of all future interests and contingencies shall be 4% per annum.

(2) When an annuity or a life estate is terminated by the death of the annuitant or life tenant, and the tax upon such interest has not been fixed and determined, the value of the interest for the purpose of section 15 of this Act shall be that amount of the annuity or income actually paid or payable to the annuitant or life tenant during the period for which the annuitant or life tenant was entitled to the annuity or was in possession of the life estate.

SECTION 19. (1) In the case of estates in expectancy which are contingent or defeasible, a tax shall be levied under section 15 of this Act at the rate which, on the happening of the most probable contingencies or conditions named in the deed, trust agreement, contract, insurance policy or other instrument, would be applicable. If the property so taxed shall ultimately vest in possession in persons taxable at a lower rate, or in a person or corporation exempt by subsection (1) of section 16, upon application by such donee to the Department of Revenue for refund of any excess tax, the department, after investigation, shall certify to the Department of Finance the amount of such refund. The Department of Finance shall refund such excess payment of tax in the same manner as other refunds are made.

(2) Where an estate or interest can be divested by act or omission of the donee, it shall be taxed as if there were no possibility of divesting.

SECTION 20. The Department of Revenue shall administer the provisions of sections 14 to 33 of this Act, and shall collect the taxes imposed therein, and in doing so shall have such powers and duties as are given it in Chapter 131 of the Kentucky Revised Statutes.

SECTION 21. When the department has reason to believe that several gifts are actually part of one transaction,

the department may elect to disregard intermediate parts of the transaction even though they may appear to be separate gifts, and determine the tax as if the entire transaction were one gift, in accordance with the real effect of the transaction.

SECTION 22. Every person making any gift, other than those exempted by section 16 of this Act, during that part of the calendar year after the effective date of this Act, or during any subsequent calendar year, shall file a return with the department on or before the fifteenth day of March of the calendar year immediately succeeding the calendar year in which the gift was made. The return shall be verified by a written declaration that it is made under the penalties of perjury, and shall be in the form prescribed by the department.

SECTION 23. (1) Any trustee of property transferred in trust who has actual knowledge that the transfer is a gift shall file a gift return as to the property in trust as the department may by regulation require.

(2) Each donee shall file such a gift return or furnish such information as the department may specifically require of him.

SECTION 24. Any person who fails to make a return required by section 22 of this Act within the time required shall pay a penalty of ten percent of the tax found to be due, but in no case less than $10, to be assessed and collected in the manner provided for the assessment and collection of taxes due under section 15 of this Act.

SECTION 25. (1) As soon as is practicable after the return is filed, the department shall determine and assess the taxes due thereon as imposed by section 15 of this Act. The tax shall be assessed to the donor and shall be paid by him to the Department of Revenue within thirty days after the date of the notice of the assessment.

(2) The donor of a gift shall be personally liable for the tax imposed thereon. If the tax is not paid when due, the donee of any gift shall be personally liable for such tax to the extent of the value of such gift.

(3) The tax shall be and remain a lien upon property transferred by gift until the tax is paid. The lien shall not af-

fect any personal property after it has passed to a bona fide purchaser for value.

SECTION 26. If the tax imposed by section 15 of this Act is not paid when due, the taxpayer shall pay as a penalty, in addition to the amount of the tax, an additional tax of 5% of the amount due, plus 1% for each month the tax or additional tax remains unpaid. The department, upon submission to it of satisfactory evidence that the failure to pay the tax within the time prescribed was not willful or evasive, may modify the exaction to not less than 1% for each month following the due date of the tax.

SECTION 27. If any gift tax is paid where no tax was due, a refund thereof shall be made in the same manner and subject to the same conditions as other refunds are made.

SECTION 28. In case of a false or fraudulent return, or the omission to file a return, or the failure to include in a return any property subject to the tax imposed by section 15 of this Act, whether or not the omission is with intent to evade the tax and notwithstanding any provision of limitation elsewhere provided, the tax due by reason thereof may be assessed and collected by the department, at any time during the life of the donor or after his death within the period of limitation prescribed in the case of inheritance taxes, by the methods set out in sections 14 to 33 of this Act, including action in a court of competent jurisdiction.

SECTION 29. If a tax has been imposed on any gift under section 15 of this Act and thereafter upon the death of the donor an inheritance tax is imposed upon the same gift by this state, there shall be credited against the inheritance tax resulting from the inclusion of such gift in the computation of such inheritance tax an amount equal to the gift tax resulting from the inclusion of such gift in the computation of the gift tax on gifts from such donor to the donee who received such gift.

SECTION 30. The Department of Revenue is authorized to omit from the property subject to the gift tax imposed by section 15 of this Act, any intangible personal property of a nonresident donor (having a domicile in the United States)

held in trust by a Kentucky trustee if the jurisdiction (state, territory or District of Columbia) in which the decedent is domiciled grants similar immunity to residents of Kentucky, but only in the event the donor or the donee shall present evidence that the tax has been or will be paid to the other jurisdiction.

SECTION 31. The proceeds of the tax imposed by section 15 of this Act shall be deposited with the State Treasurer and be credited to the General Expenditure Fund.

SECTION 32. Nothing in sections 14 to 33 of this Act shall be construed to repeal, amend or affect the application of the provisions of KRS 140.010 to KRS 140.290, nor of KRS 140.990. The provisions of sections 14 to 33 of this Act are intended to complement the inheritance tax laws of this Commonwealth, and shall be liberally construed to accomplish that purpose.

SECTION 33. Any person who makes a fraudulent return or statement with intent to defeat or evade the payment of the taxes prescribed by sections 14 to 33 of this Act shall be guilty of perjury and imprisonment in the penitentiary for not less than one year nor more than five years, in addition to the civil penalties otherwise provided.

By Mr. Burnley.

H. B. No. 359. An Act providing for the photographing, photostating, microphotographing, microfilming or filming of records and papers of the Governor, Lieutenant Governor or any state administrative department, agency, commission or institution or the principal officer thereof and authorizing the use of such reproductions for record and copies thereof as evidence.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever the Governor, Lieutenant Governor or any state administrative department, agency, commis-

sion or institution or the principal officer thereof shall have, either in whole or in part, any records or papers photographed, photostated, microphotographed, microfilmed or filmed and preserved for record, the originals thereof may be disposed of or destroyed.

Section 2. Any reproductions provided for hereinabove shall be deemed the originals of the records or papers for all purposes, and any facsimiles, certified copies or reproductions thereof, or any prints or enlargements of the reproductions shall be admissible as evidence in any court or proceeding of this Commonwealth, and shall be prima facie evidence of the facts set forth in and the contents of the original records or papers.

By Mrs. Burnett.

H. B. No. 360. An Act relating to the regulation and licensing of trailers used as a house, office, store, display or utility unit.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, "Trailer" shall mean any unit towed by a motor vehicle and commonly used as a house, office, store or display unit and utility type units designed for hauling baggage, equipment, produce, animals or supplies.

Section 2. The owner of any trailer hauled upon the highways of this state, except trailers used exclusively in the county in which the towing vehicle is registered and licensed, shall pay an annual registration fee of $4.50.

Section 3. In so far as applicable, Section 186.020 through 186.040, 186.070 through 186.100, 186.120 through 186.150, and 186.170 through 186.260 Kentucky Revised Statutes shall apply to the registration and licensing of such trailers.

By Messrs. Kirby Jennings and John Watts.

H. B. No. 361. An Act relating to taxation of motor fuels other than gasoline and prescribing the purposes for which such tax may be expended, and amending KRS 138.360 and KRS 138.390.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 138.360 of the Kentucky Revised Statutes is amended to read as follows:

An excise tax of seven cents per gallon shall be paid on the use of fuel by any person within this state, when such fuel is used in an internal combustion engine for the generation of power to propel motor vehicles of any kind on the public highways of this state. Two-sevenths of all amounts received by reason of said tax shall be set aside by the Department of Highways for the construction, reconstruction and maintenance of rural and secondary roads and for no other purpose. The tax shall be computed in the manner provided by KRS 138.390 and shall be paid by the user.

2. Section 138.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) To determine the amount of tax due under KRS 138.360, each user shall, not later than the fifteenth day of each calendar month, file with the Department of Revenue, on forms prescribed by the department, monthly reports sworn to by the user showing the total number of gallons of fuel used within this state during the next preceding calendar month.

(2) The tax at the rate of seven cents per gallon of fuel shall be computed on the number of gallons reported as used within this state, and shall constitute the amount of tax payable for the next preceding calendar month.

(3) Reports required in subsection (1) of this section shall be accompanied by a certified or cashier's check, payable

to the State Treasurer, for the amount of tax due for the preceding calendar month.

3. Whereas, the first fiscal year for which appropriations are made and set aside to the Department of Highways by this Act will commence on April 1, 1948, and it is essential that the increased tax on motor fuels other than gasoline become effective at the beginning of such fiscal year.

Now, Therefore, an emergency is declared to exist and this Act shall take effect on April 1, 1948.

By Messrs. John C. Watts and Robert N. Hubbard.

H. B. No. 362. An Act to repeal, amend and re-enact Section 138.500 of the Kentucky Revised Statutes relating to Revenue and Taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.500 of the Kentucky Revised Statutes, 1946 edition, is repealed, amended and reenacted to read as follows:

"No suit shall be maintained in any court on any ground to restrain or delay the collection of the tax imposed by KRS 138.020, 138.140, 138.220, 138.360 or 138.460. The aggrieved taxpayer shall pay the tax under protest as and when due, and may at any time within two years from the date of such payment sue the state through the Department of Finance, in an action in any state or federal court having jurisdiction, for recovery of the tax so paid with interest thereon from the date of payment. If it is finally determined that the tax or any part thereof was wrongfully collected for any reason, the Department of Finance shall issue its warrant on the State Treasurer for the amount of tax adjudged to have been wrongfully collected, together with interest thereon. The State Treasurer shall pay the same at once in preference to other warrants or claims against the state. Such refunds of taxes

paid under KRS 138.020 or 138.140 shall be paid out of the General Fund, and such refunds of taxes paid under KRS 138.220, 138.360 or 138.460 shall be paid out of the Road Fund. Separate suits need not be filed for each separate payment made, but recovery may be had in one suit for all sums paid that are not barred by the limitation of two years imposed by this section."

By Mr. Prichard.

H. B. No. 363. An Act to repeal and re-enact Section 243.720 Kentucky Revised Statutes 1946, relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.720 of the Kentucky Revised Statutes 1946 edition is hereby repealed and re-enacted to read as follows:

(1) There is levied upon the use, sale or distribution by sale or gift of distilled spirits a tax of $1.28 on each wine gallon of distilled spirits used, sold or distributed in any container of more or less than one gallon, but the rate of the excise tax on spirits in retail containers of one-half pint shall be eight cents.

(2) There is levied upon the use, sale or distribution by sale or gift of wine, a tax of twenty-five cents on each gallon of wine, and a proportional rate per gallon on the wine used, sold or distributed in any container of more or less than one gallon, but in no event shall the tax be less than two cents on the sale or distribution of any retail container of wine.

(3) There is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of $1.50 on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

(4) This section shall not apply to:

(a) Wine manufactured, sold, given away or distributed and used solely for sacramental purposes; or

(b) Distilled spirits and wine purchased by holders of special licenses provided for in KRS 243.320 and 243.330 and purchased and used in the manner authorized by those licenses.

By Mr. Spaulding.

H. B. No. 364. An Act amending Subsection 3 of Section 118.450 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection 3 of Section 118.450 of the Kentucky Revised Statutes is amended to read as follows:

When the cost of any election has been allowed by the fiscal court and paid by the county treasurer, as provided in this section or in any other section requiring the county to pay the cost of an election, the county treasurer shall certify the amount of such expenses, indicating each item of expense separately, together with a statement of the number of precincts in the county, the date and kind of election to the Deparment of Finance. Upon receipt of such certification and upon being satisfied as to the correctness, thereof, the Department of Finance shall issue its warrant upon the State Treasurer in favor of the county treasurer for one-half of the amount of such expenses but not exceeding in any event an amount equal to thirty-five dollars for each precinct in the county. All sums paid under this section shall be in addition to any sum paid by the state for ballot paper in elections.

By Mr. Dwyer.

H. Res. No. 43. A Joint Resolution authorizing Elon Johnson, Ivan Martin, and A. E. Owen to sue Hardin County, Kentucky.

Said resolution is as follows, viz.:

Whereas, on or about January 9, 1948, on public highway No. 62 at or near Stephensburg, Hardin County, Kentucky, Elon Johnson, Ivan Martin and A. E. Owen, each suffered serious injury, Johnson receiving a crushed chest and heart damage, Martin receiving a broken leg, and Owen receiving a broken wrist, and injury to bones thereon, the results of which in each case is likely to produce permanent personal injuries, said Martin and said Owen being occupants of said Johnson's car, and the car of Elon Johnson was nearly demolished, and

Whereas, said personal injuries and property damage was brought about by the alleged gross negligence and carelessness of one James Perry, employe of the Hardin County Road Department, and/or Hardin County, a political subdivision of the Commonwealth of Kentucky, while in the conduct of the business of said Hardin County Road Department and/or Hardin County, Kentucky:

Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Elon Johnson, Ivan Martin, and A. E. Owen be and they and each of them are hereby authorized and permitted to sue the Hardin County Road Department, of Hardin County, Kentucky, and/or Hardin County, Kentucky, a political sub-division of the Commonwealth of Kentucky, in the Hardin Circuit Court, for such damages as they, or either of them may have suffered, if any, by reason of injuries caused by the negligence, if any, of James Perry, an employe of the Hardin County Road Department of Hardin County, Kentucky, and/or Hardin County. Any such action or actions shall be instituted within one year from the date this resolution becomes effective.

§ 2. In event that any suit or suits are filed under this resolution, the limit of recovery shall be $10,000.00, for personal injuries and property damage as to Elon Johnson, and

$3,000.00 each for personal injury as to plaintiffs Ivan Martin and A. E. Owen.

§ 3. Either party to said action or actions may appeal from any judgment or judgments which may be entered thereon, as in any other civil suit.

By Mr. Lawrence Watts.

H. Res. No. 44. A Joint Resolution authorizing Richmond Salyer, of Salyersville, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Richmond Salyer, of Salyersville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Magoffin Circuit Court for personal injuries and damage to automobile, alleged to have been caused by the Department of Highways and its employees in that a State Highway Truck ran into his automobile, thereby injuring said Richmond Salyer and damaging his automobile.

Said suit shall be in a sum not to exceed Six Thousand ($6,000) Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall

not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

H. Res. No. 45. A Joint Resolution authorizing Morgan Wireman, as administrator of the estate of Johnny Wireman, Salyersville, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Morgan Wireman, administrator of the estate of Johnny Wireman, of Salyersville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Magoffin Circuit Court for personal injuries resulting in the death of Johnny Wireman, alleged to have been caused by the Department of Highways and its employees in the construction of a highway and drainage system incident thereto.

Said suit shall be in a sum not to exceed fifteen thousand ($15,000) dollars.

The Attorney General of the Commonwealth of Kentucky, may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said bills and said resolutions be printed and referred.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. No. 98. An Act amending KRS 215.320, relating to state aid for acquisition and operation of district tuberculosis sanitoria.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 215.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the provisions of subsection (3) of this section, every tuberculosis sanatorium district within the provisions of KRS 215.080 to 215.350, and every tuberculosis sanatorium district established under the provisions of Chapter 111 of the Acts of 1912 or Chapter 65 of the Acts of 1918, and amendments thereof, shall be entitled to receive from funds appropriated for that purpose:

(a) Semiannually, on the first day of January and July of each year, a sum equal to ten percent of the amount actually paid and expended by the district during the preceding six months in acquiring, constructing and equipping a sanatorium for the care and treatment of tuberculosis patients and in making improvements, betterments and additions thereto.

(b) Quarterly, on the first day of January, April, July and October of each year, two dollars per day for each free tuberculosis patient treated and cared for in the sanatorium during the three calendar months next preceding those dates.

(2) Upon the district complying with the provisions of KRS 215.080 to 215.350, the Department of Finance shall draw its warrant upon the State Treasurer in favor of the district board of trustees for such sum.

(3) The aid rendered by the state under the provisions of this section shall not in the aggregate exceed one hundred thousand dollars per year for each sanatorium.

S. B. No. 127. An Act relating to civil suits brought against the Commonwealth of Kentucky pursuant to resolutions of the General Assembly, whereby comments apprizing the jury of the existence of the resolution are forbidden and penalized.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) In the trial of any cause of action against the Commonwealth authorized by resolution of the General Assembly, no statement in the resolution shall be considered by either the court or the jury, nor shall the resolution be introduced as evidence for either party, nor shall it be commented upon or referred to by the court, by witnesses, or by counsel in the presence of the jury, and if so commented upon, it shall be grounds for a new trial.

(2) If any comment is made in the presence of the jury apprizing that body of the authorization of the suit by the General Assembly, the court shall set aside the swearing of the jury. Admonition to the jury shall not be deemed sufficient to cure the defect.

Ordered that said bills be printed and referred.

The message which was received from the Senate also announced that they had passed bills which originated in this House of the following titles, viz.:

H. B. No. 32. An Act relating to elections, with particular relation to the compensation of election officers.

H. B. No. 83. An Act relating to income taxes.

Ordered that said bills be delivered to the Enrolling Clerk of the House.

REPORT OF COMMITTEES

Mr. McClure of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 311. An Act relating to repeal of excise tax.

With the expression f opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Nunn of the Committee on Public Ditches, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 277. An Act repealing and re-enacting Subsection 1 of Section 76.090 of the Kentucky Revised Statutes.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend the title of the printed copy of H. B. No. 277 as follows:

"An Act relating to the schedule of rates of sewer charges of Metropolitan Sewer District Board of Counties containing a city of first class; amending Subsection 1 of Section 76.090 of KRS."

With the express of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

The Enrolling Clerk of this House delivered the original and enrolled copies of a bill of the following title, viz.:

H. B. No. 33. An Act relating to the time for holding the sessions of Circuit Court in the Thirty-fourth Judicial District.

Which was signed by the Speaker of the House on February 20, 1948,

Duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. No. 309. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of five hundred dollars or less, secured or unsecured, at a greater rate of interest, consideration, or charge than six per centum per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of five hundred dollars or less, providing for the administration of this act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for judicial review of orders and regulations of the Commissioner of Banking under this act, and providing that this act shall repeal and replace KRS Chapter 288.

H. B. No. 167. An Act to amend Section 199.320 of the Kentucky Revised Statutes, relating to contributing to the delinquency of a child.

H. B. No. 301. An Act relating to the qualifications of members of the police and fire departments of cities of the second or third class.

H. B. No. 47. An Act relating to the employment and compensation of county road employes, amending Section 179.110 of the Kentucky Revised Statutes.

S. B. No. 52. An Act relating to elections, with special reference to elections of city officers in cities of the fifth and sixth classes.

H. B. No. 191. An Act increasing the penalty for destruction of public property, amending Section 433.480 of the Kentucky Revised Statutes.

H. B. No. 166. An Act providing for a supplemental appropriation to the Secretary of State, for the purpose of printing and distributing copies of the Kentucky Constitution.

H. B. No. 192. An Act to increase penalty for disturbing school, church and public assemblage, amending Section 437.040 of the Kentucky Revised Statutes.

H. B. No. 213. An Act relating to income taxes, with particular relation to the allowance of deductions to individual taxpayers.

Ordered that said bills be read at length the second time.

Mr. John C. Watts moved that the Constitutional provision as to the second reading at length of said bills be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills having been dispensed with, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 65. An Act relating to the common school equalization fund, with particular reference to eligibility of school districts to participate in the fund.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 157.053 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any board of education that has had its budgets and salary schedule for the ensuing school year approved by the State Board of Education, whose ratio of assessed valuation of property to fair cash value is equal to the average ratio throughout the state, as certified to the State Board of Education by the Kentucky Tax Commission, and has levied for school purposes a tax at the maximum rate permitted by law, shall have the privilege of applying for aid from the equalization fund.

Mr. Clyde S. Howard moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 237. An Act to amend Section 21, Civil Code of Practice, and extending the benefits thereof and adding a new section thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 21, Chapter 1, Title 3, of the Civil Code of Practice be amended by adding an additional section thereto to read as follows:

Section 2. The successors of any personal representative, guardian, curator, committee of a person of unsound mind, a receiver appointed by the court, the assignee or trustee of a bankrupt, and an assignee for the benefit of creditors may bring any action his predecessor may maintain under any section of any Code or Statute of the Commonwealth of Kentucky or under common law.

Mr. Shaw moved that said bill be recommitted.

Said motion was agreed to, and without objection said bill was recommitted.

To the Committee on Codes and Practice.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 262. An Act to amend sub-section (32) of Section 23.050 of Kentucky Revised Statutes pertaining to terms of court in the Thirty-second judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section (32) of Section 23.050 of Kentucky Revised Statutes be amended so that when amended it shall read as follows:

Boyd County, at Catlettsburg, on the first Monday in January, the first Monday in February, the first Monday in

April and the first Monday in May, thirty juridical days each; on the second Monday in September, twenty-four juridical days; on the second Monday in November, thirty juridical days.

Lawrence County, at Louisa, on the second Monday in March, the second Monday in June and the second Monday in October, eighteen juridical days each.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Kermit Dwyer	Harry K. Lowman
Jason Alford	Otto W. Goff	F. G. Marquette
Roy W. Arnold	Henry C. Hale	C. D. Moberly
Earl F. Ashcraft	James P. Hanratty	Walter Moorman
Sidney Baer	Carson Hibbitts	E. C. Mullins
Levi Baker	C. J. Holsclaw	Stanley Murphy
Fred Beshear	Richard R. Houpt	T. A. Noe, Jr.
Chas. J. Bronston	Clyde S. Howard	Joe E. Nunn
Paul Carter	R. N. Hubbard	H. S. Overby
George I. Cline	Ira W. Hulette	J. H. Polsgrove
Everett T. Cooper	Laban P. Jackson	L. W. Preston
Horace T. Cull	Kerby Jennings	E. F. Prichard
B. G. Davidson	Paul S. Jonas	Ottis Roberts
Owen Deering	L. H. Jones	Lilburn S. Rogers
G. I. Drury	Ercel Kozee	Amos Runyan

Glenn Rushing	Jesse H. Shelton	Wilford S. Travis
Mrs. Rutherford	John M. Spaulding	J. B. Veech
Dr. K. N. Salyer	Chas. L. Spillman	Lawrence Watts
D. B. Saylor	G. W. Steinford	Morris Weintraub
LeRoy Saylor	John M. Stumbo	Lynn Boyd Wells
James J. Shannon	Albert Thomason	G. F. Williamson
Paul E. Shannon	G. C. Thornton	Charles W. Wirsch
James S. Shaw		—67

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day, a resolution of the following title, viz.:

S. Res. No. 22. A Joint Resolution authorizing and directing the State Fair Board to pay, C. W. Taylor, compensation for his services as de facto manager of the Kentucky State Fair during the period from January 1, 1947, to June 1, 1947.

Said resolution is as follows, viz.:

Whereas, C. W. Taylor served, in good faith, in the capacity of manager of the Kentucky State Fair, from January 1, 1947, to June 1, 1947, under a bona fide appointment by the State Fair Board; and

Whereas, notwithstanding that his appointment was held to be invalid, his service was in the capacity of a de facto officer, such as to entitle him to compensation; and

Whereas, the Commonwealth received the benefit of the services of the said C. W. Taylor and therefore is morally obligated to compensate him for such services;

Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Fair Board is authorized and directed to pay to C. W. Taylor, out of any funds at the disposal of the Board, the sum of $2,083.30, as compensation for his services

as de facto manager of the Kentucky State Fair during the period from January 1, 1947, to June 1, 1947.

Ordered that said resolution be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. J. Holsclaw	J. H. Polsgrove
Jason Alford	Richard R. Houpt	L. W. Preston
Earl F. Ashcraft	Clyde S. Howard	E. F. Prichard
Levi Baker	R. N. Hubbard	Hobart Rayburn
Bernhardt Bauer	Ira W. Hulette	Ottis Roberts
Fred Beshear	Laban P. Jackson	Lilburn S. Rogers
Chas. J. Bronston	Kerby Jennings	Amos Runyan
Mrs. Mary Burnett	Paul S. Jonas	Glenn Rushing
Chas. W. Burnley	L. H. Jones	Mrs. Rutherford
Paul Carter	Ercel Kozee	Dr. K. N. Salyer
Robert Collins	Harry K. Lowman	D. B. Saylor
Everett T. Cooper	C. D. Moberly	James J. Shannon
Horace T. Cull	Davis Moore	Paul E. Shannon
B. G. Davidson	Walter Moorman	Jesse H. Shelton
Owen Deering	E. C. Mullins	John M. Spaulding
G. I. Drury	Stanley Murphy	Chas. L. Spillman
Henry C. Hale	T. A. Noe, Jr.	John M. Stumbo
Carson Hibbitts	Joe E. Nunn	Albert Thomason

G. C. Thornton	John C. Watts	Lynn Boyd Wells
Wilford S. Travis	Lawrence Watts	Charles W. Wirsch
J. B. Veech	Morris Weintraub	—62

There voted in the negative—

Roy W. Arnold —1

Resolved that the title thereof be as aforesaid.

Mr. Moorman moved that the vote by which said resolution was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mrs. Rutherford moved that the rules be suspended and the privilege of the floor extended to Mrs. Chloe Gifford and Mrs. Susan Johnson.

Said motion was unanimously agreed to.

Mr. Overby moved that the rules be suspended and the privilege of the floor extended to Mr. G. A. Brooks.

Said motion was unanimously agreed to.

Mr. James J. Shannon moved that the rules be suspended and the privilege of the floor extended to Mr. M. E. Mattox.

Said motion was unanimously agreed to.

Mr. Moberly moved that the rules be suspended and the privilege of the floor extended to Messrs. Stanley Hayes and Harry Miller.

Said motion was unanimously agreed to.

The House then took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 7. Joint Resolution providing for the purchase of five hundred and fifty copies of the Kentucky Di-

rectory, and the distribution thereof, and appropriating $1,100.00 to purchase same.

Mr. Travis moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 49. An Act proposing an amendment to Section 256 of the Constitution of this Commonwealth, relating to the amendment of the Constitution.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It is hereby proposed that Section 256 of the Constitution of the Commonwealth of Kentucky be amended so as to permit not more than four amendments to be voted upon at any one time, so that said section, as so amended, will read as follows:

Amendments to this Constitution may be proposed in either House of the General Assembly at a regular session, and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, such proposed amendment or amendments, with the yeas and nays of the members of each House taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the State for their ratification or rejection at the next general election for members of the House of Representatives, the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the Secretary of State in such manner as shall be provided by law, which vote shall be compared and certified

by the same board authorized by law to compare the polls and give certificates of election to officers for the State at large. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than four amendments shall be voted upon at any one time; nor shall the same amendment be again submitted within five years after submission. Said amendments shall be so submitted as to allow a separate vote on each, and no amendment shall relate to more than one subject. But no amendment shall be proposed by the first General Assembly which convenes after the adoption of this Constitution. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the General Assembly, proposing an amendment or amendments to this Constitution.

§ 2. This amendment shall be submitted to the voters at the time and in the manner provided for under Sections 256 and 257 of the Constitution and Section 118.430 of the Kentucky Revised Statutes.

Mr. James J. Shannon moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 6. An Act to amend the Constitution of the Commonwealth of Kentucky to change the times of the election of public officers so as to reduce the number of elections to be held in the Commonwealth of Kentucky, and to fix the times for the meetings of the General Assembly made neces-

sary by the change in the time of the elections of the members thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by changing and fixing the times for the election of officers and the times for the meetings of the General Assembly, through the enactment of the following new section:

(1) All officers elected from the state at large, and the railroad commissioners, elected in 1947, shall hold office for three years only. Their successors shall be elected in 1950 and every four years thereafter.

(2) All persons elected to the State Senate in 1947 and in 1949 shall hold office for three years only. Their successors shall be elected in 1950 and 1952 respectively, and every four years thereafter.

(3) All persons elected to the State House of Representatives in 1949 shall hold office for one year only. Their successors shall be elected in 1950 and every two years thereafter.

(4) All officers mentioned in Section 99 of the Constitution (county tax commissioners being considered the same as assessors), elected in 1949, shall hold office for three years only. Their successors shall be elected in 1952 and every four years thereafter.

(5) Judges of the circuit courts, Commonwealth's attorneys and clerks of the crcuit courts elected in 1945 shall hold office for five years only. Their successors shall be elected in 1950 and every six years thereafter.

(6) All city officers elected for a term of four years in 1949 shall hold office for three years only. Their successors shall be elected in 1952 and every four years thereafter. All city officers elected for a term of two years in 1949 shall hold office for one year only. Their successors shall be elected in 1950 and every two years thereafter.

(7) The General Assembly shall continue to meet at the time heretofore provided through 1950. The General Assembly shall meet again on the first Tuesday after the first Monday in January, 1951, and on the same day every second year thereafter.

§ 2. This amendment shall be submitted to the voters at the time and in the manner provided for under sections 256 and 257 of the Constitution of the Commonwealth of Kentucky and Section 118.430 of the Kentucky Revised Statutes.

Mr. Clyde S. Howard moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 78. An Act relating to the appointment, duties and compensation of stenographic reporters for the circuit courts.

With Committee amendment thereto by way of substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 28.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any circuit court district, other than one in which the court is of continuous session or one which includes a county containing a city of the second class, if the judge, in accordance with the provisions of KRS 28.410, appoints one official stenographic reporter for all the counties in the district, such reporter shall be paid an annual salary of not more than $1800, out of the county levies of the counties embraced in the district. Each county shall pay a proportionate part of

the salary, in proportion to the amount of work attributable to each county, the proportion being certified to the fiscal courts by the circuit judge. In addition to his other duties, such reporter shall perform stenographic and clerical services for the circuit judge. The salary shall be in addition to the fees provided for in subjections (2) and (3) of this section.

(2) The fees of reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be ten dollars per day for taking shorthand notes and twenty cents per hundred words for the original transcript thereof.

(a) In criminal cases the fees shall be paid, upon the order of the presiding judge, by the county in which the court is situated, if the transcript is ordered for the use of the Commonwealth's Attorney. If the transcript is ordered upon the motion of the defendant, he shall pay for it if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the transcript, the court shall direct the same to be paid by the county.

(b) In civil cases the fees shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the party in whose behalf it is ordered.

(3) For duplicate copies of transcripts reporters of circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

§ 2. Subsection (1) of Section 28.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Upon any trial or proceeding if either party requests the services of the reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct the reporter to, and the reporter shall, take full stenographic notes of the proceedings.

(b) In counties having a population of 150,000 or more, the reporter of the criminal branch of the circuit court shall take down the proceedings in all cases, embracing preliminary motions, rulings of court, examination of jurors, testimony and arguments of counsel. In counties where the reporter receives a salary under the provisions of sub-section (1) of KRS 28.460, the reporter shall likewise take down the proceedings in all criminal cases.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 28.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any circuit court district, other than one in which the court is of continuous session or one which includes a county containing a city of the second class, if the judge, in accordance with the provisions of KRS 28.410, appoints one Official Shorthand Reporter for all the counties in the district, such reporter shall be paid an annual salary of not more than $1200.00, out of the county levies of the counties embraced in the district. Each county shall pay a proportionate part of the salary, in proportion to the number of calendar days of court held in each county in said district, prorated on an annual basis but payable by the month, the proportion being certified to the fiscal courts by the circuit judge. In addition to his other duties, such Reporter shall perform stenographic and clerical services for the Circuit Judge. The salary shall be in addition to the fees provided for in subsections (2) and (3) of this section.

(2) The fees of reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be fifteen dollars per day for taking shorthand notes and thirty cents per hundred words for the original trascript thereof.

(a) In criminal cases the fees shall be paid, upon the order of the presiding judge, by the county in which the court

is situated, if the transcript is ordered for the use of the Commonwealth's Attorney. If the transcript is ordered upon the motion of the defendant, he shall pay for it if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the transcript, the Court shall direct the same to be paid by the County.

(b) In civil cases the fees shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the party in whose behalf it is ordered.

(3) For duplicate copies of transcripts reporters of circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original. However, the parties paying for a carbon copy only shall pay the same rate as paid for the original, or ribbon copy, paid for by another party.

(4) Any deposition or other written record read, or considered read, into or made a part of the record which is being taken by the reporter, shall be incorporated by the said reporter in and made a part of any appeal record furnished by the reporter.

(2) Subsection (1) of Section 28.430 of the Kentucky Revised Statutes is amended to read as follows;

(1) (a) Upon any trial or proceeding if either party requests the services of the reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct the reporter to, and the reporter shall, take full stenographic notes of the proceedings, such taking to be paid for by the party requesting the same, or if the party requesting same is unable to pay for such service, it shall be paid for by the Fiscal Court of the county in which said trial is held, on order of the presiding judge of such circuit court.

(b) In Counties having a population of 150,000 or more, the reporter of the criminal branch of the circuit court shall

take down the proceedings in all cases, embracing the rulings of the court, all testimony introduced, and arguments of Counsel; and upon request of either side or at the direction of the presiding judge, he shall take down also all preliminary motions, examinations of jurors and opening statements and closing arguments of Counsel.

(c) In Counties where reporter receives a salary under the provisions of Subsection (1) KRS 28.460, the reporter shall likewise take down the proceedings in all criminal cases.

(3) All laws, or parts of laws, in conflict herewith are hereby expressly repealed.

Mr. Polsgrove moved that the House do now adopt said Committee amendment to said bill by way of substitute therefor.

Said motion was agreed to.

And thereupon said Committee amendment to said bill by way of substitute therefor was agreed to.

Mr. Rogers moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and

same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	R. N. Hubbard	Lilburn S. Rogers
Jason Alford	Ira W. Hulette	Amos Runyan
Sidney Baer	Laban P. Jackson	Glenn Rushing
Levi Baker	Paul S. Jonas	Mrs. Rutherford
Fred Beshear	L. H. Jones	D. B. Saylor
Chas. J. Bronston	Ercel Kozee	Paul E. Shannon
Mrs. Mary Burnett	F. G. Marquette	James S. Shaw
Chas. W. Burnley	C. D. Moberly	John M. Spaulding
Paul Carter	Walter Moorman	Chas. L. Spillman
Everett T. Cooper	E. C. Mullins	G. W. Steinford
Perry M. Cross	Stanley Murphy	John M .Stumbo
B. G. Davidson	T. A. Noe, Jr.	Wilford S. Travis
G. I. Drury	Joe A. Nunn	J. B. Veech
Kermit Dwyer	H. S. Overby	John C. Watts
Henry C. Hale	J. H. Polsgrove	Lawrence Watts
James P. Hanratty	L. W. Preston	Morris Weintraub
Carson Hibbitts	E. F. Prichard	Lynn Boyd Wells
C. J. Holsclaw	Hobart Rayburn	G. F. Williamson
Richard R. Houpt	Ottis Roberts	Charles W. Wirsch

—57

Those who voted in the negative were—

Roy W. Arnold	Kerby Jennings	Jesse H. Shelton
Otto W. Goff	LeRoy Saylor	Albert Thomason
Clyde S. Howard	James J. Shannon	G. C. Thornton

—9

Mr. Polsgrove moved that the title of said Committee amendment to said bill by way of substitute therefor be the title of said bill.

Said motion was agreed to.

Resolved that the title thereof be as amended.

Mr. Rogers moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled a bill of the following title, viz.:

S. B. No. 60. An Act to amend Section 95.320 of the Kentucky Revised Statutes, eliminating the limitation on taxation and revenues for support of Firemen's Pension Funds in Cities of the First Class.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 268. An Act concerning accounts and records kept by the director of finance; duties as to claims against city; countersigning of checks, in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.050 of the Kentucky Revised Statutes is amended and re-enacted and as so amended and re-enacted shall read:

(1) The director of finance shall adopt a proper method of bookkeeping and shall preserve in his office all accounts, vouchers, documents and papers relating to the accounts, contracts, debts, revenues and other fiscal affairs of the city. He shall keep records showing the financial operation and condition of the city, its assets and liabilities, the expenditures authorized, and all contracts in which the city is interested, with the names of the contractors. He shall state and render all accounts between the city and any other person, except when otherwise provided by law.

(2) The director of finance shall examine, adjust and audit all unsettled claims against the city, for the payment of which any money may be drawn from the city treasury, and after examining the claim and all accompanying vouchers and documents, shall approve the balance due on the claim. No such claim or any part thereof shall be audited against the city unless it is authorized by law or ordinance and is in proper and fully itemized form, and unless the amount required for its payment has been appropriated for that purpose by the board of aldermen. The director of finance may require a statement of accounts to be verified by affidavit.

(3) The director of finance shall countersign all checks on the city treasury, and record the amount and nature of each.

Mr. Rushing moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, the same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Ira W. Hulette	Dr. K. N. Salyer
Jason Alford	Laban P. Jackson	D. B. Saylor
Sidney Baer	Kerby Jennings	LeRoy Saylor
Levi Baker	L. H. Jones	James J. Shannon
Fred Beshear	Ercel Kozee	Paul E. Shannon
Chas. J. Bronston	Harry K. Lowman	James S. Shaw
Chas. W. Burnley	C. D. Moberly	Harry Smith
Paul Carter	Davis Moore	John M. Spaulding
Robert Collins	E. C. Mullins	Chas. L. Spillman
Everett T. Cooper	Stanley Murphy	G. W. Steinford
Horace T. Cull	J. H. Polsgrove	John M. Stumbo
Owen Deering	L. W. Preston	Albert Thomason
G. I. Drury	E. F. Prichard	G. C. Thornton
Kermit Dwyer	Hobart Rayburn	J. B. Veech
Henry C. Hale	Ottis Roberts	John C. Watts
Carson Hibbitts	F. L. Robinson	Lawrence Watts
C. J. Holsclaw	Lilburn S. Rogers	Morris Weintraub
Richard R. Houpt	Amos Runyan	G. F. Williamson
Clyde S. Howard	Glenn Rushing	Charles W. Wirsch
R. N. Hubbard	Mrs. Rutherford	—59

Resolved that the title thereof be as aforesaid.

Mr. Holsclaw moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 265. An Act concerning the annual levy of taxes by cities of the first class, the disposition of revenues, and the effect of the failure to make such levy.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.280 of the Kentucky Revised Statutes is amended and as so amended shall read:

(1) The board of aldermen, in its annual levy of taxes, shall make such separate levies as are required by law or as the board deems necessary or desirable, and a general levy in such amount as in its judgment is necessary and advisable. The amounts levied shall be collected and paid to the city, the amount of each separate levy being carried to the credit of the agency for which levied, and the amount of the general levy being credited to the general fund of the city. The amount of any separate levy to be credited to any agency shall not be diverted from it, or used for any purpose other than that specified by the levy, but shall remain as a separate fund in the hands of the director of finance.

(2) In the ordinance fixing the tax rate for any year, the board of aldermen shall subdivide the levy as follows:

(a) Separate levies for each agency for which a separate levy is to be made.

(b) A general levy for general city purposes.

The board of aldermen shall cause the foregoing levies to be made for the purpose stated, by the ordinance fixing the tax rate each year.

(3) If in any year the board of aldermen fails to pass a levy ordinance, or if the levy ordinance is invalid or inoperative, the rate of taxation for that fiscal year shall be the same as it was for the year before, item for item.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. J. Holsclaw	Amos Runyan
Jason Alford	Richard R. Houpt	Glenn Rushing
Roy W. Arnold	Clyde S. Howard	Mrs. Rutherford
Earl F. Ashcraft	Ira W. Hulette	D. B. Saylor
Sidney Baer	Laban P. Jackson	LeRoy Saylor
Levi Baker	Kerby Jennings	James J. Shannon
Fred Beshear	Paul S. Jonas	Paul E. Shannon
Chas. J. Bronston	L. H. Jones	James S. Shaw
Mrs. Mary Burnett	Ercel Kozee	John M. Spaulding
Chas. W. Burnley	Harry K. Lowman	Chas. L. Spillman
George I. Cline	C. D. Moberly	John M. Stumbo
Robert Collins	Davis Moore	Albert Thomason
Everett T. Cooper	E. C. Mullins	G. C. Thornton
B. G. Davidson	Stanley Murphy	Wilford S. Travis
Owen Deering	J. H. Polsgrove	John C. Watts
G. I. Drury	L. W. Preston	Lawrence Watts
Kermit Dwyer	E. F. Prichard	Morris Weintraub
Otto W. Goff	Hobart Rayburn	Lynn Boyd Wells
Henry C. Hale	Ottis Roberts	G. F. Williamson
James P. Hanratty	F. L. Robinson	Charles W. Wirsch
Carson Hibbitts	Lilburn S. Rogers	—62

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Ashcraft moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to by a majority of the members elected.

Thereupon bills of the following titles were introduced, viz.:

By Mr. Ashcraft.

H. B. No. 365. An Act relating to motor vehicles, with particular reference to penalties for operating such vehicles while under the influence of intoxicating liquors or narcotic drugs; amending subsection (10) (a) of Section 189.900 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (10)(a) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates subsection (2) of KRS 189.520 shall be imprisoned in the state penitentiary for not less than one nor more than five years.

H. B. No. 366. An Act relating to the examination papers of students in state institutions of higher learning.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any student taking a test or examination in any course of study in which he is enrolled in any state institution of higher learning shall, upon request made to the professor or instructor in charge of such course, be returned his graded test or examination papers, with a copy of the questions. Any professor or instructor who fails or refuses to return such papers, upon request, shall be dismissed from his position, and the governing body of the institution shall have no authority to pay him any further compensation.

H. B. No. 367. An Act relating to public school holidays.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every primary or general election day shall constitute a school holiday on which the public schools shall be closed. Such days shall be counted as school days, and no deduction shall be made from teachers' salaries by reason of such closing.

By Mr. Shaw.

H. B. No. 368. An Act relating to the laying of water pipes along the right of ways of state highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The owner of land fronting on a state highway may lay a water pipe in the earth plot along the right-of-way to convey water to his land from a source of water available to him, without obligation to furnish water to others. Before laying the pipe, application for a permit shall be made to the Department of Highways, which department shall issue the permit with such specifications as will fully protect the highway against damage. If in the judgment of the Department of

Highways a bond is necessary to protect the highway against damage, the applicant for a permit may be required to execute a satisfactory bond conditioned that the specifications of the Highway Department will be complied within the laying of the pipe.

Ordered that said bills be printed and referred.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

H. B. No. 32. An Act relating to elections, with particular relation to the compensation of election officers.

H. B. No. 83. An Act relating to income taxes.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported to this House as follows, viz.:

House Bill No. 255—Committee on State Fair.

House Bill No. 300—Committee on Ways and Means.

House Bill No. 315—Committee on Courts.

House Bill No. 316—Committee on Education No. 1.

House Bill No. 317—Committee on Roads and Highways.

House Bill No. 318—Committee on Cities of the Second Class.

House Bill No. 319—Committee on Courts.

House Bill No. 320—Committee on State Property.

House Bill No. 321—Committee on Ways and Means.

House Bill No. 323—Committee on Veterans' Legislation.

House Bill No. 324—Committee on Education No. 1.

House Bill No. 325—Committee on Education No. 1.

House Bill No. 326—Committee on Education No. 1.

House Bill No. 327—Committee on Revenue and Taxation No. 1.

House Bill No. 328—Committee on Education No. 1.

House Bill No. 329—Committee on Suffrage and Elections.

House Bill No. 330—Committee on Kentucky Statutes No. 2.

House Bill No. 331—Committee on Fish and Game.

House bill No. 332—Committee on Appropriations.

House Bill No. 333—Committee on Kentucky Statutes No. 2.

House Bill No. 334—Committee on Judicial Council.

House Bill No. 335—Committee on Roads and Highways.

House Bill No. 336—Committee on Motor Transportation No. 1.

House Bill No. 337—Committee on Kentucky Statutes No. 1.

House Bill No. 338—Committee on Appropriations.

House Bill No. 340—Committee on Alcoholic Control No. 1.

House Bill No. 342—Committee on Appropriations.

House Bill No. 343—Committee on Ways and Means.

House Bill No. 344—Committee on State Fair.

House Bill No. 345—Committee on Appropriations.

House Bill No. 346—Committee on Ways and Means.

House Bill No. 347—Committee on Insurance, Life and Casualty.

House Resolution No. A—Committee on Memorials and Resolutions.

House Resolution No. 35—Committee on Memorials and Resolutions.

House Resolution No. 36—Committee on Claims.

House Resolution No. 37—Committee on Claims.

House Resolution No. 38—Committee on Claims.

House Resolution No. 39—Committee on Claims.

House Resolution No. 41—Committee on Claims.

House Resolution No. 42—Committee on Claims.

Senate Bill No. 11—Committee on Cities of the Second Class.

Senate Bill No. 13—Committee on Ways and Means.

Senate Bill No. 36—Committee on Kentucky Statutes No. 1.

Senate Bill No. 63—Committee on Cities of the Second Class.

Senate Bill No. 78—Committee on Banks and Banking.

Senate Bill No. 91—Committee on Ways and Means.

Senate Bill No. 93—Committee on Kentucky Statutes No. 1.

Senate Bill No. 97—Committee on Codes and Practice.

Senate Bill No. 163—Committee on Courts.

Senate Bill No. 195—Committee on Kentucky Statutes No. 1.

Senate Resolution No. 13—Committee on Claims.

Senate Resolution No. 18—Committee on Claims.

Senate Resolution No. 20—Committee on Claims.

Senate Resolution No. 21—Committee on Claims.

Senate Resolution No. 23—Committee on Claims.

Senate Resolution No. 24—Committee on Claims.

Senate Resolution No. 26—Committee on Claims.

Senate Resolution No. 28—Committee on Claims.

Senate Resolution No. 31—Committee on Ways and Means.

House Bill No. 322—Committee on Ways and Means.

Mr. John C. Watts moved that the House do now adjourn to meet again at 1 o'clock, p. m., Wednesday, February 25, 1948.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 25, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend Wm. P. Wilhoyte, pastor of the Church of the Nazarene, of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	George I. Cline	Richard R. Houpt
Jason Alford	Robert Collins	Clyde S. Howard
Roy W. Arnold	Everett T. Cooper	D. W. Howard
Earl F. Ashcraft	Perry M. Cross	M. G. Howard
Sidney Baer	Horace T. Cull	R. N. Hubbard
Levi Baker	B. G. Davidson	Ira W. Hulette
Bernhardt Bauer	Owen Deering	Laban P. Jackson
C. E. Baumgardner	G. I. Drury	Kerby Jennings
Fred Beshear	Kermit Dwyer	Paul S. Jonas
Isaac M. Blevins	Otto W. Goff	J. Ernest Jones
C. J. Bronston	Henry C. Hale	L. H. Jones
Mrs. Mary Burnett	N. M. Hamilton	Ercel Kozee
Chas. W. Burnley	James P. Hanratty	Harry K. Lowman
A. H. Calvert	Carson Hibbitts	W. E. McClure
Paul Carter	E. R. Hilton	Ed Markum
Earl W. Christian	C. J. Holsclaw	F. G. Marquette

C. D. Moberly
Davis Moore
Walter Moorman
Fred H. Morgan
E. C. Mullins
Stanley Murphy
T. A. Noe, Jr.
Joe E. Nunn
H. S. Overby
H. C. Patterson
H. M. Pewitt
J. H. Polsgrove
L. W. Preston
E. F. Prichard
Hobart Rayburn
Ottis Roberts
F. L. Robinson
Lilburn S. Rogers
Amos Runyan
Glenn Rushing
Mrs. Rutherford
Dr. K. N. Salyer
D. B. Saylor
LeRoy Saylor
James J. Shannon
Paul E. Shannon
James S. Shaw
Jesse H. Shelton
Harry Smith
John M. Spaulding
Chas. L. Spillman
G. W. Steinford
John M. Stumbo
Albert Thomason
G. C. Thornton
W. R. Tipton
Wilford S. Travis
J. B. Veech
W. J. Ward
John C. Watts
Lawrence Watts
Morris Weintraub
Lynn Boyd Wells
Rodney Whitlow
G. F. Williamson
Charles W. Wirsch
Mr. Speaker

Dr. Salyer moved that the reading of the Journal of the House of the proceedings of Tuesday, February 24, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled a bill of the following title, viz.:

S. B. No. 69. AN ACT amending and re-enacting Section 381.580 of the Kentucky Revised Statutes relating to condemnation of private passways.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signatur thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

Mr. Wirsch moved that a bill of the following title, viz.:

H. B. No. 225. An Act making the stealing of a licensed dog a felony and fixing a punishment therefor.

Which was reported by the Committee on Criminal Law on February 20, 1948, with the expression of opinion that said bill should not pass.

Be recommitted.

Without objection, said motion was agreed to and said bill was recommitted.

To the Committee on Criminal Law.

Mr. Jennings offered the following resolution, viz.:

H. Res. Resolution pertaining to pay of House pages.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

According to the pay schedule allotted to the pages of the House of Representatives, the opinion of many members of this House is that the pay is inadequate and less than the rates provided by Kentucky State Law.

Be it therefore resolved that when and if a bonus is effected for the welfare of the employees of the House that the Clerk be instructed to pay the pages the full $8.00 per day allowed under Kentucky Law.

Mr. Jennings moved that the House do now adopt said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

The Enrolling Clerk of this House delivered the original and enrolled copies of bills of the following titles, viz.:

H. B. No. 32. An Act relating to elections, with particular relation to the compensation of election officers.

H. B. No. 83. An Act relating to income taxes.

Which were signed by the Speaker of the House on February 24, 1948.

Duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Messrs. Wirsch and Weintraub offered the following resolution, viz.:

H. Res. No. 48. A Concurrent Resolution requesting the Commissioner of Highways to investigate the toll charges now being charged on the state-owned Newport and Broadway bridge running from Newport, Kentucky, to Cincinnati, Ohio, with a view to reducing the tolls thereon in order to relieve the congestion on the state-owned L. & N. Bridge, thereby, and at the same time, increasing the revenue of the Newport and Broadway bridge so as to retire the bonds thereon at an earlier date.

Whereas, the rates of toll now being charged upon the state-owned Newport and Broadway bridge running from Newport, Kentucky, to Cincinnati, Ohio, is in excess of that charged by other toll bridges across the Ohio River in the Northern Kentucky area; and

Whereas, it is a known fact that the traffic on the toll-free state-owned L. & N. Bridge at Newport, Kentucky, is heavily congested due to the fact that drivers of motor vehicles will not use the state-owned Newport and Broadway Bridge because of the excessive toll; and

Whereas, if the tolls on the Newport and Broadway Bridge were reduced to 5 cents per passenger automobile per

trip the traffic on said bridge would be increased to such an extent that the traffic congestion on the toll-free L. & N. Bridge would be eliminated, while at the same time, the revenue obtained on the Newport and Broadway bridge would be so greatly increased that the bonds thereon would be paid and retired at a time considerably earlier than that now anticipated under the present rate of tolls for passenger automobiles.

Now, therefore, be it resolved by the House of Representatives of the Comonwealth of Kentucky, the Senate concurring therein:

That the Commissioner of Highways exert his every influence upon the trustees of the bondholders for the construction of the Newport and Broadway Bridge as well as other interested parties to fix the toll rate across said bridge at a rate of 5 cents per trip for each passenger automobile instead of the present rate of 15 cents each way.

Mr. Wirsch moved that the House do now adopt said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz.:

By Mr. Holsclaw.

H. B. No. 369. An Act relating to the city-county board of health for cities of the first class and counties containing such cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 212.380 of the Kentucky Revised Statutes of 1946 is amended to read as follows:

(1) The board shall be composed of seven members, two of whom shall be the mayor of the city and the county judge of the county, as members ex officio, and five of whom shall be appointed by the joint action of the mayor and the county judge. Each appointive member shall be not less than thirty years of age, intelligent and discreet, and shall have been a continuous resident of the county for at least two years prior to the date of his appointment. At least one of the appointive members must be a licensed pharmacist, and not more than three of the appointive members may be physicians. All appointive members shall be eligible for reappointment.

(2) In the event none of the appointive members of the board heretofore appointed pursuant to Chapter 41 of the Acts of 1942 is a licensed pharmacist, the member appointed to succeed the member whose term expired June 30, 1947, shall be removed from office on June 30, 1948, and a licensed pharmacist shall be appointed to the board in place of such member, to serve for the unexpired term ending June 30, 1951. At the expiration of such term, and every four years thereafter, a licensed pharmacist shall be appointed to the board, to serve for a term of four years and until his successor is appointed and qualified. The two members of the board appointed to succeed the members whose terms expired on June 30, 1944, and the two members appointed to succeed the members whose terms expired on June 30, 1945, shall serve until the expiration of their terms, and thereupon, and every four years thereafter, two members shall be appointed to serve for terms of four years and until their successors are appointed and qualified.

By Messrs. Jonas and Rayburn.

H. B. No. 370. An Act providing a tax on Greyhound racing and providing how said tax shall be levied and collected and providing the means and method of levying and collecting same and providing penalties for the violation thereof; to provide for a Greyhound Racing Commission; to prescribe its powers and duties; to fix its compensation; to provide for holding elections; to provide for licensing such racing and apportioning the moneys derived therefrom;

prescribing the hours within which such racing may be conducted; to provide for the selling of combination or French pools within the enclosure of licensed race tracks; to provide penalties for the violation of this act and repealing any laws in conflict therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Any corporation formed for the purpose of racing or breeding of Greyhounds and conducting races and contests of speed shall have the power and right, subject to the provisions of this act, to hold one or more race meetings in each year and to hold, maintain and conduct races at such meetings. At such meetings the corporation or the owners of greyhounds engaged in such races or others who are not participants in the racing may contribute purses, prizes, premiums or stakes to be contested for; but no person or persons other than the owner or owners of Greyhounds contesting in a race shall have any pecuniary interest in a prize, purse, premium or stake contested for in such race, or be entitled to, or receive any portion thereof, after such race shall have been finished; and the whole of such purse, prize or premium or stake shall be allotted in accordance with the terms and conditions of such race. Such meetings shall not be held except during the period extending from the first day of May to the first day of November, inclusive in each year. Said races shall be held between the hours of 7:00 P. M. and 12:00 Midnight and no races are authorized or shall be permitted except during the period aforesaid.

2. A Greyhound Racing Commission is hereby established to consist of three persons to be appointed by the Governor. The members of said Commission shall hold their offices for a term of four years and the first Commission shall be appointed within twenty days after this act shall go into effect. The Governor will appoint a Secretary for said Commission who shall act for a period of two years whose duty it shall be to keep a full and faithful record of its pro-

ceedings and preserve at its general office all books, maps, documents and papers intrusted to its care and who shall perform such other duties as the Commission may prescribe. He shall be paid a salary to be fixed by the Commission at a rate not exceeding $3,000.00 per annum, which shall be paid by the several racing corporations or associations conducting racing in this State. The Commission shall bi-annually make a full report to the General Assembly of its proceedings for the two year period ending with the first day of December preceding the meeting of the General Assembly and shall embody therein such suggestions and recommendations as it shall deem proper.

POWERS OF COMMISSION

3. Said Commission shall have the power to prescribe the rules, regulations and conditions under which racing shall be conducted in this State and no such races shall be conducted except by a corporation or association duly licensed by such commission as herein provided. Any corporation or association desiring to conduct such racing may annually apply to the Greyhound Racing Commission for a license so to do. If, in the judgment of the commission, a proper case for the issuance of such license is shown it may grant the same for a term of one year and such license shall contain a condition that all races or race meetings conducted thereunder shall be subject to the rules, regulations and conditions from time to time prescribed by the commission and shall be revokable by the commission for any violation thereof, or whenever the conduct of such licensee shall be deemed by the commission not conducive to the best interest of legitimate racing. But if a license is refused to any applicant or revoked by said commission it shall publicly state its reasons for so doing and said reason shall be written in full in the minute book of said commission, which shall at all times be subject to inspection upon application of any interested person desiring so to do. Said finding of said commission revoking said permit or license shall be subject to review by a court of competent jurisdiction; provided that a refusal of the commission to grant to any racing association or corporation a license to operate or to assign to any racing association the requested number of days in

each year for racing at the track of such association or the decision of such commission refusing any license of any association or corporation applying for permits to operate in either event shall not be subject to review by the courts of this state.

4. Race meetings, at which racing shall be permitted for any stake, purse or reward except as allowed by this act, is hereby declared to be a public nuisance and any person acting or aiding therein shall be deemed guilty of misdemeanor and punished by a fine of not less than $500.00 nor more than $1,000.00 for each day of such meeting or racing and in addition thereto, in a suit brought for the purpose by the Greyhound Racing Commission in the Circuit Court of the county where it may be proposed to conduct such unauthorized racing, an injunction may be obtained against the operation of said race meeting.

5. At the time of making application for a permit, the applicant shall deposit with the Racing Commission a cash bond, certified check or bank draft payable to the order of the Racing Commission in an amount equal to $100.00 for each day excluding Sundays, petitioned for in said application. At the close of the last day of the Greyhound Racing Commission for which a permit has been issued as provided for in Section 6 of this Act, the Racing Commission shall refund to such permit holder the sum of $100.00 for each racing day the permit holder paid the Racing Commission the tax due for said day as provided for and at the rate stipulated by this Act; provided, however, if such permit holder has not paid to the Racing Commission the expenses and compensation of representatives assigned to his or its tract as provided for in this Act, the commission is authorized and directed to withhold such refund until the same has been paid. In the event, any full day's racing is declared off by the judges on account of inclement weather, muddy tract, or any essential part of said racing plant has been rendered unusable by fire, wind, riot or explosion or other cause, the Racing Commission shall refund to the permit holders the sum of $100.00 of their deposit for each day.

6. Upon the filing of an application accompanied by a permit fee or a cash bond, certified check or bank draft as

herein provided by any person, association, trust or corporation not in default of payment of any obligation due to the Commonwealth of Kentucky under the provisions of this Act the Racing Commission may issue a permit to such applicant to hold or conduct Greyhound Racing as authorized in this Act. Such permit shall specify the person, association, trust or corporation to whom the same is issued, the dates upon which such Greyhound Racing meetings are to be held or conducted, the hours of such dates between which such Greyhound Racing shall be permitted, the location of the place, track or enclosure which such Greyhound Racing Meeting is to be held or conducted and shall in writing, evidence the receipt of the payment of the permit fee and the deposit of the cash bond, certified check or bank draft by applicant, and if such permit is issued to such applicant it shall contain a condition that all Greyhound Racing Meetings conducted therein, shall be subject to the rules and regulations of the commission as then existing or as may be from time to time prescribed and promulgated by said Racing Commission. The commission may refuse to award dates or to issue a permit to any applicant if a permit has been previously issued to said applicant and revoked under the authority of this Act or for any cause by it deemed sufficient. Such permit may be suspended, diminished or revoked by the commission for any violation of this Act or of any rule of the commission made under authority of this Act, provided five days written notice is mailed by registered mail to the permit holder which notice shall specify the charges, the time and place of hearing thereon at which hearing the permit holder shall be given the opportunity of presenting evidence and being represented by counsel and the Racing Commission shall immediately enter upon its record of proceedings a memorandum of its action in such suspension, diminution or revocation and its reasons therefor. Such permit shall be non-transferable and shall apply only to the place, track or enclosure specified in the permit.

7. Any person, association, trust or corporation holding a permit to conduct a Greyhound Racing Meeting, may provide a place or places in the racing grounds or enclosure at which they or it may conduct and supervise the combination,

French pools, or certificate system of wagering by patrons of legal age on the Greyhound races conducted by such permit holder at such meeting. (Such combination, or French pool or certificate method of wagering upon Greyhound races held at or within such race track and at the time of such Greyhound Racing Meeting shall not be held or construed to be unlawful the Statutes of the Commonwealth of Kentucky, to the contrary notwithstanding). Any law in conflict therewith is hereby repealed. No other place except that provided and designated by the permit holder or any method of betting or wagering except the combination or French pools or certificate system shall be used or permitted by the permit holder in which the combination or French pools or certificate system of wagering be conducted by the permit holder on any Greyhound races except the races at the race tracks grounds or enclosure for which the person, association, trust or corporation holds a permit. Each permit holder may retain as commission, not to exceed fifteen per cent of the total of all money wagered each day. The permit holder may also retain the odd cents of all redistributions to be made on all compensation or French pools or certificate system, contributions exceeding a sum equal to the next lowest multiple of ten cents. At the close of each racing day, the permit holder shall pay to the Racing Commission as a tax, three per cent of the total of all money wagered each day. In addition to the aforesaid taxes, each person, association, or corporation authorized to conduct race meetings under this Act shall pay to said Racing Commission fifteen per cent of all moneys received each day for admissions by persons attending said races. Said payment shall be accompanied by a report under oath showing the total of all said contributions and admissions on the races covered by such report and such other information as said commission may require. If any free passes or complimentary admission cards shall be issued to guests by any licensee, the licensee of such track shall pay to the commission the same tax upon such complimentary admission cards as if same were sold at the regular and usual rate; but nothing herein shall be construed to prevent the issuance of tax free passes to officials and accredited newspaper men and actual employees of the licensee or other person engaged actually in working at such race

track, provided, however, that the issuance of all such tax free passes shall be under the regulation or orders of the commission and a list of all officers and employees shall be filed with the commission. The tax herein imposed shall be in lieu of all license excise or occupational taxes to the Commonwealth of Kentucky, or any county, town or political subdivision thereof, except that when any racing meeting is held or conducted in any incorporated city or town, such city and town shall have the right to assess and collect an additional tax against any person, firm, association or corporation conducting Greyhound racing within its corporate limits not to exceed $50.00 per racing day.

8. All moneys collected from the three per cent commission as above referred to and all moneys collected from the sale of admission tickets as above referred to, shall be paid by the racing commission to the State Treasurer of the Commonwealth and said moneys when paid to the State Treasurer shall be allocated to and used for the general common school fund.

9. At least, eighty-five per cent of all persons connected with any race track authorized under this Act, including gatekeepers, announcers, and ushers shall be qualified electors of this Commonwealth of Kentucky, provided, that this section shall not apply to owners and trainers of racing Greyhounds.

10. After any corporation or association duly licensed by this commission has been operating Greyhound Racing in any county for a period of sixty days if the citizens of said county are dissatisfied with Greyhound Racing in said county, an election or referendum may be ordered by the legal voters of said county in number equal to twenty-five per cent of the votes cast therein at the last preceding election provided said number of voters shall sign a petition to that effect in the office and in the presence of the County Clerk of said county, who shall at the time said petition is signed determine whether said signer or signers are qualified voters of said county and after the requisite number of voters have signed said petition, the County Clerk shall certify these facts to the County Judge, whose duty it shall be at the next regular term thereof, after receiving said petitions to make an order in his order book

directing an election to be held in such county, to be effected thereby on some day named in said petition, no earlier than sixty days after said application is lodged with the judge of said court, which order shall direct the sheriff or court officer of said county who may be appointed to hold said election, to open a poll at each and all of the voting places in such county, city, town, district or precinct on said date for the purpose of taking the sense of the legal voters of such county who are qualified to vote at elections for county officers upon the proposition whether or not Greyhound Racing shall be conducted in said county.

11. It shall be the duty of the County Clerk to give to the sheriff of the county or such officer as may be appointed to hold said election a certified copy of the order of the county court as it appears on the order book within five days after said order is made; and it shall be the duty of said sheriff or other officer to have said order published in some weekly or daily paper published in the county for at least two weeks before the election and also to advertise the same by printed or written handbills posted at some conspicuous place in each precinct in the county for the same length of time when the election is held for the entire county; the sheriff or other officer shall have the advertisements and notices herein provided for, posted as herein required within seven days after he receives the order of the county court. All elections provided for in this act shall be held by such officers as would be qualified to hold elections for county officers and they shall be selected in the same way, and all elections provided for herein shall be held in accordance with the provisions of the general election laws of the state, except that they shall not be held on the same day with any regular, political nor within thirty days preceding or following any such regular, political election.

12. If it shall be found that a majority of the legal votes cast at any election herein provided for were given for or against Greyhound Racing, it shall be the duty of the canvassing board to certify that fact which certificates shall be delivered to the clerk of the County Court and by him safely kept until the next regular term of the County Court at which term the judge thereof shall have the same spread on the order

book and said entry of certificate in the order book or a certified copy thereof shall be prima facie evidence in any and all proceedings under this act.

13. The result of said election when so held under the provisions of this act shall determine the question for a period of five years and no election shall be held again in said county upon the subject for a period of five years thereafter.

14. If any section of this act shall be declared unconstitutional it shall only affect such section and not affect any other section of this act.

15. All acts or parts of acts in conflict herewith are to the extent of such conflict hereby repealed.

By Mr. Davis Moore.

H. B. No. 371. An Act to repeal and re-enact Section 243.030 Kentucky Revised Statutes 1946, relating to the fees of alcoholic beverage licenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.030 of Kentucky Revised Statutes 1946 edition, is hereby repealed and re-enacted to read as follows:

The following kinds of distilled spirits and wine licenses may be issued by the Administrator of the Distilled Spirits Unit, the fees for which shall be:

(1) Distiller's license, per annum ..... $ 500.00
(2) Rectifier's license, per annum $1500.00
(3) Blender's license, per annum ..... $ 500.00
(4) Vintner's license, per annum ..... $ 500.00
(5) Wholesaler's license, per annum $1000.00
(6) Retail package license, per annum:
    (a) In counties containing cities of the first class ..... $ 600.00
    (b) In counties containing cities of the second class ..... $ 500.00

(c) In counties containing cities of the third class ..... $ 400.00
(d) In counties containing cities of the fourth class ..... $ 300.00
(e) In all other counties ..... $ 200.00

(7) Retail drink license, per annum:
(a) In counties containing cities of the first class ..... $ 800.00
(b) In counties containing cities of the second class ..... $ 500.00
(c) In counties containing cities of the third class ..... $ 400.00

(8) Transporter's license, per annum ..... $ 10.00

(9) Dining car license, per annum ..... $ 50.00

(10) Special nonbeverage alcohol vendor's license, per annum ..... $ 2.00

(11) Special industrial alcohol license, per annum ..... $ 2.00

(12) Special nonindustrial alcohol license, per annum ..... $ 2.00

(13) Special agent's or solicitor's license, per annum ..... $ 2.00

(14) Special storage or warehouse license, per annum ..... $ 50.00

(15) Special temporary license, per month or part of month one-sixth of the fees enumerated in subsection (7).

(16) Special private club license, per annum ..... $ 150.00

(17) Such other special license as the board may find necessary for the proper regulation and control of the traffic in distilled spirits and wine and may provide for by regulation. In fixing the amount of license taxes that are required to be fixed by the board, it shall have regard for the value of the privilege granted.

By Mr. Arnold.

H. B. No. 372. An Act to repeal, amend and re-enact KRS 386.020.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 386.020 of the Kentucky Statutes is hereby repealed, amended and re-enacted so as to read as follows:

(1) Any fiduciary holding funds for loan or investment may invest them in:

(a) Bonds or other interest-bearing obligations of the Federal Government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act (39 Stat. 360) as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and bonds secured by mortgages or trust deed insured by the Federal Housing Administrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations;

(f) Obligations representing loans and advances of credit that are eligible for credit insurance by the Federal Housing Administrator, and the fiduciary may obtain such insurance;

(g) Loans, secured by real property or leashold, that the Federal Housing Administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;

(h) Real estate mortgage notes, bonds and other interest-bearing or dividend-paying securities which would be regarded by prudent businessmen as safe investments;

(i) Real estate, after obtaining the approval of the circuit court for such investment;

(j) Life insurance, endowment and annuity contracts issued by legal reserve companies authorized to do business in this state, after obtaining the approval of the circuit court for such investment. Said fiduciary may select any optional settlement provided in a policy maturing by death or as an endowment; and

(k) Securities or obligations of a diversified, open-end, management, investment company which is duly registered with the Federal Securities and Exchange Commission in accordance with the provisions of an act of Congress known as the Federal Investment Act of 1940 (August 22, 1940, c. 686, 54 Stat. 790) and amendments thereto; and provided that evidence of such registration is on file in the Office of the Division of Banking, Department of Business Regulations of the Commonwealth of Kentucky.

"Investment company", as used herein, means an issuing company holding itself out as being primarily engaged in the business of investing, reinvesting or trading in securities.

"Management investment company" means an investment company having a continuing board of directors, trustees or managements, charged with the duty and responsibility of handling the affairs of the company.

"Open-end company" means a management investment company which is offering for sale or has outstanding any redeemable security of which it is the issuer.

"Diversified company" means a management investment company which meets the following requirements: At least 75 per centum of the value of its total assets is represented by cash and cash items (including receivables,) Government securities, securities of other investment companies, and other securities for the purposes of this calculation limited in respect of any one issuer to an amount not greater in value than 5 per centum of the value of the total assets of such management company and to not more than 10 per centum of the outstanding voting securities of such issuer.

A registered diversified company which, at the time of its qualification as such, meets the requirements of the paragraph immediately preceding this one, shall not lose its status as a diversified company because of any subsequent

discrepancy between the value of its various investments and the requirements of said paragraph, so long as any such discrepancy existing immediately after its acquisition of any security or other property is neither wholly nor partly the result of such acquisition.

Fiduciaries holding funds for loan or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

By Mr. Moorman.

H. B. No. 373. An Act relating to Pharmacy and Pharmacists.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Any person who is of good moral character and who has been honorably discharged from any branch of the United States Armed Service and who while in that service was regularly employed for a period of not less than twelve (12) months in the preparation and/or dispensing of drugs and medicines and who in addition thereto was prior to his induc tion into the armed forces of the United States a duly enrolled student in a recognized college of pharmacy, and who while in the armed forces successfully completed the prescribed course in pharmacy as taught in an armed forces or veterans administration hospital and who has had as much as four years experience in the preparation and dispensing of drugs under the supervision of a registered pharmacist may apply for a pharmacist's license by filing a written application properly verified, setting forth his age, residence, the fact of his having been honorably discharged from the armed services, education and practical experience as set out herein.

2. It is the Legislative intent that this act shall not appeal KRS 315.050, but shall create an additional manner in

which applicants may qualify for examination by the Kentucky Board of Pharmacy.

3. After such applicant has passed a satisfactory examination conducted before the Kentucky Board of Pharmacy under regulations prescribed by the Board he shall be entitled to a license as a pharmacist.

By Mr. Pewitt.

H. B. No. 374. An Act relating to the establishment of flood control systems in cities of the fourth class, providing the manner in which such systems may be established and financed.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. As used in this Act the words "governing body" shall mean and include the Board of Councilmen, Board of Aldermen and Board of Commissioners or other legislative body of a city of the fourth class.

SECTION 2. All cities of the fourth class are hereby empowered to establish a flood control system for the protection or reclamation of property, situated within the limits of such city, from floods or high waters and to protect property in such city from the effects of water for sanitary or other purposes, whenever the establishment of such a flood control system shall, in the judgment of the governing authority of such city, be conducive to the public health, convenience and welfare: for the purpose of establishing such a flood control system any such city may acquire, construct, equip, maintain and operate walls and other barriers, drains, ditches, levees and other works proper to that purpose and may enlarge, extend, straighten, deepen, widen or otherwise improve any such structure or work.

For this purpose any such city is empowered to acquire any and all land or any interest therein, rights of way or other property, by gift, purchase or by condemnation, whether

within or without the corporate limits of such city, and to establish, construct, operate and maintain such a flood control system either within or without the limits of such city.

The establishment, construction and operation of a flood control system, as authorized by this Act, is declared to be a local improvement, conferring special benefits upon property affected thereby.

SECTION 3. Any city of the fourth class is empowered to secure funds for the payment of the cost of establishing such a flood control system by the following methods:

(a) By the issuance of bonds of such city payable from an annual tax to be levied on all taxable property in said City, issued in the manner provided by Section 66.070 Kentucky Revised Statutes, and other laws applicable thereto.

(b) By the issuance of bonds of such city payable solely from the proceeds of and in anticipation of the collection of special assessments to be levied upon land and real property within the boundaries of such city determined to be benefitted by the establishment of such a flood control system as provided by this Act.

(c) By any combination of the above methods.

SECTION 4. The cost of establishing any such flood control system shall include the cost of the acquisition of any property or property rights of any character and the doing of any construction work proper, in the judgment of the governing authority of any such city, for the establishment of such a flood control system, together with all preliminary and incidental expenses connected therewith, including, without limiting the generality of the above, the cost of all legal and engineering services, of the preparation of plans, specifications and surveys, of the supervision of the construction and of other services of a similar nature.

SECTION 5. Whenever any city of the fourth class shall establish a flood control system pursuant to this Act, the cost of which is to be paid in whole or in part from the proceeds of special assessments to be levied on property benefitted thereby or from the proceeds of bonds to be issued in anticipation of such assessments, the governing body thereof

shall adopt an initial resolution which (a) shall declare the intention of such governing body to establish such a flood control system; (b) shall set forth a general description of the proposed system, stating in general terms the location and the character of the improvements to be constructed or acquired; (c) shall state the estimated cost of the proposed system; (d) shall determine what property in such city will be probably benefitted by the proposed system, describing the area in which such property is located in such manner that the owner of property therein will be advised of that fact; (e) shall state the method by which the cost of such system will be paid; and (f) shall state that the governing body will meet at a designated time and place to hear and consider any objections or protests that may be made or filed against the establishment of the proposed system, the determination of the area probably benefitted thereby, the estimated cost thereof, or any matter connected therewith.

SECTION 6. Notice of such hearing, setting out the substance of all matters required to be in the initial resolution, shall be published at least once and at least ten days before the date of the hearing in a newspaper published and of general circulation in such city or, if there be no newspaper published in such city, then in a newspaper of general circulation in such city. Publication of the text of such initial resolution shall be deemed a compliance with this section.

SECTION 7. Any person interested may, at or prior to the hearing, in person or by attorney, file with the recording officer of such city any written objection or protest he may have in the premises or may make any such objection or protest orally at the hearing. Such objections or protests shall be heard and considered by the governing body of such city and such governing body shall take such action as it may deem proper in the premises and shall have authority to eliminate from the area probably benefitted any property which it may find will not be benefitted by the proposed flood control system. If any property is so eliminated a record thereof shall be entered on the minutes of the governing body. If however, a written protest or protests against the establishment of the proposed flood control system is filed at or prior to such

hearing, signed by forty percentum or more of the owners (residents in such city) of property in the area finally found to be benefitted, then such governing body shall take no further action in the matter, unless two-thirds of the members of such governing body assent thereto.

SECTION 8. At such hearing or at any subsequent meeting the governing body of such city may adopt a final ordinance which shall determine (a) whether or not the establishment of the proposed flood control system is feasible, (b) whether or not the aggregate benefit to the property in the area found to be benefitted (as such area may have been changed by the governing body) exceeds the cost of such proposed system; and (c) whether or not all property in the area found to be benefitted will in fact be benefitted to the extent of its proportion of the cost. If such determination shall be favorable to the establishment of the proposed flood control system, such ordinance (or a subsequent ordinance) may direct that the proposed system shall be established in substantial accord with the general statement thereof set out in the initial resolution.

SECTION 9. The construction, acquisition, equipment, maintenance and operation, extension or enlargement of any flood control system established under this Act shall be under the supervisions and control of the governing authority of such city or of the board of public works of such city, if any there be. Any work in connection with the establishment of such flood control system may be done by contract or any such city may employ labor and acquire materials and cause the work to be done and establish such system without the execution of a contract. If a contract for the doing of all or any portion of the work is let then it shall be let upon competitive biding to the lowest and best bidder, but not until after advertisement therefor has been published at least once in a newspaper of such city ten days prior to the time fixed for the reception of bids. The governing body of any such city shall have the authority to reject all bids and to waive informalities. The contractor shall be required by the city to give bond for the faithful discharge of his contract in an amount and with a surety approved by the governing body

of said city. When any work shall have been completed it shall be accepted by the governing body of the city and the fact of such acceptance entered upon the minutes of the governing body.

SECTION 10. All necessary preliminary expenses incurred on behalf of any such city in the making of surveys, estimates of cost, the rendition of professional or technical services, the giving of notices, the taking of any option and all other expenses of whatsoever character which must be paid prior to the collection of any tax authorized hereby or prior to the issuance and sale of bonds as provided in this Act, may be paid by the city from any funds available for that purpose. The amount so paid shall be considered a part of the cost of the establishment of such flood control system and such amount may be included in the amount of the tax to be levied or of the bonds to be issued. Any city so paying preliminary expenses shall be reimbursed and repaid from the proceeds of the sale of the bonds issued as herein provided or from the proceeds of any tax levied pursuant to this Act.

SECTION 11. Any city of the fourth class which shall have declared its intention, as herein provided, to establish a flood control system, the cost of which is to be paid from the proceeds of bonds to be issued in anticipation of the collection of assessments to be levied upon property benefitted by such system, is hereby authorized to issue its assessment bonds to the amount of the cost of the establishment of such flood control system, including all preliminary and incidental expenses. Such bonds may be authorized, sold and delivered at any time after the passage of the final ordinance provided for in Section 8 of this Act. If at the time of the issuance of such bonds no contracts have been let then the governing body of such city shall make a final estimate of the cost thereof and bonds may be issued to the amount of such estimate. If any contracts have been let then the amount of such contracts shall be considered as the cost for the work to be done thereunder and bonds may be issued to such amount, plus the estimated amount of all other costs and expenses. The total principal amount of such bonds shall not exceed the esti-

mated cost of the proposed system stated in the initial resolution provided for in Section 5 of this Act. Any surplus that may remain from the proceeds of such bonds after the establishment of such flood control system shall be used for the payment of the bonds that have been issued either as to principal or interest. Such bonds shall be issued by an ordinance, adopted by the governing body of such city. Such ordinance shall prescribe the form and all details of such bonds; provided, however, that the interest to be borne by such bonds shall not exceed the rate of six percentum (6%) per annum and all such bonds shall mature within a period of forty (40) years from the date thereof. Such bonds may be sold at public or private sale for a price not less than their par value and accrued interest from the date thereof to the date of their delivery. Such bonds and the interest thereon shall be payable solely from the proceeds of assessments to be levied against property, including easements, determined to be benefitted by the establishment of such flood control system and shall not constitute an indebtedness of such city and this shall be plainly stated on the face of each of such bonds.

SECTION 12. Whenever any city of the fourth class shall establish a flood control system pursuant to this Act, the governing body thereof may levy a special assessment upon all real property within the area determined to be benefitted by such system in an amount sufficient to produce the sum necessary for the payment of all costs of establishing such flood control system. Such assessment may be levied at the same time and collected in the manner and by the same officials as taxes for municipal purposes are collected in such city.

Whenever any city of the fourth class shall issue its bonds for the establishment of a flood control system payable from assessments to be levied on real property benefitted, it shall be the mandatory duty of the governing authority of such city annually to levy a special assessment upon all real property within the area found to be benefitted by the establishment of such system. Such assessments shall in the aggregate be sufficient, after due allowance shall have been

made for the expenses of collection and delinquencies in their payment, to produce in each year the sums required to pay the interest on such bonds as it accrues and to provide a sinking fund for the payment of the principal thereof as it matures. Such assessments shall be apportioned among the several lots or parcels of real property in the benefitted area in proportion to the assessed value thereof for the purposes of city taxation effective at the time such assessment is made. Such assessment shall be levied by the governing body of such city at the same time and in the same manner as taxes for municipal purposes are levied and shall become due and delinquent, and if delinquent shall incur penalties and shall be collected as in the case of taxes for municipal purposes and by the same officials. No real property (other than that owned by the Government of the United States of America or by the Commonwealth of Kentucky) shall be exempt from such assessment. Any property, not assessed for municipal taxation, shall be specially assessed for the purposes of this Act by the assessing officers of such city. Such assessments shall be levied against real property owned by any city (including the city establishing such flood control system), county, or other political subdivision or municipal corporaton, and it shall be the mandatory duty of the proper authorities of any such city, county or other political subdivision or municipal corporation to make due provision for and promptly to pay any such assessment when due. Any and all such assessments shall constitute a lien superior to all other liens, whether created prior to or subsequent to the levy of such assessment, except those for state, county, school or city taxes or prior improvement taxes or assessments on the real property assessed, and such lien shall not be defeated by any private or judicial sale, or by any mortgage. The aggregate amount of such assessments shall not be limited to the estimated cost of the proposed system.

SECTION 13. As another and as an additional method for collection of such assessments when delinquent, any such city may collect such assessments and enforce the lien thereof by a suit in equity brought in the name of the city to foreclose such lien. In any such action it shall be sufficient to allege in substance that the flood control system has been established

and that the work has been done and has been accepted by the city without setting forth the ordinances and the proceedings thereof, provided, however, that the court may, in its discretion, require that the same be recited more definitely and specifically.

SECTION 14. Any bonds issued pursuant to this Act and payable from the assessments provided hereby shall have all the qualities of negotiable instruments and in the hands of a bona fide purchaser for value without notice shall be free from all equities. Neither such bonds nor the assessments levied for their payment shall be defeated by any irregularities or informalities or errors in the proceedings for the authorization of such bonds or for the levy of such assessments nor shall any such bonds or levies be defeated because of any error in the description of the real property to be assessed, but such description may be corrected by the governing body of such city at any time or by any court in which any suit for the enforcement of such bonds or such assessment may be pending. Any city which establishes a flood control system under this Act and any contractor concerned therewith shall, in all matters connected with the establishment of such system or the doing of any work in connection therewith, be the agent of the owners of the property affected by such flood control system and no failure of any contractor to carry out his contract and no departure or variance by any such contractor from the terms of his contract shall be a defense against any bonds authorized hereby or the interest thereon or against the assessment levied for the payment of such bonds or the interest thereon. No failure on the part of the city to establish such flood control system shall be a defense against said bonds, the interest thereon or the assessments levied pursuant to this Act.

SECTION 15. Any city of the fourth class which shall establish a flood control system pursuant to this Act may, for the purpose of providing funds for the operation and maintenance thereof, levy an annual assessment against all real property in the area determined to be benefitted. Such assessment shall be levied and collected in the same manner

as assessments levied for the payment of bonds issued for the purpose of establishing such flood control system.

SECTION 16. If it becomes necessary to acquire rights of way, land, easements or borrow-pits, or other property, the governing authority may condemn and obtain the needed property in the manner provided by KRS 416.010 to 416.080, or, alternatively, in the manner provided by the statutes for the condemnation of property for public purposes by such city.

SECTION 17. Any aggrieved owner of property shall have the right to appeal to the circuit court for a review of any action taken by the governing authority, board or commission within sixty days thereafter.

SECTION 18. The fiscal court of any county in which a flood control system is or may be provided, may contribute toward the costs thereof.

SECTION 19. This Act shall be an additional grant of power to cities of the fourth class and shall not be held to repeal or amend or in any way derogate from powers granted to such cities by any other act. No proceedings for the establishment of a flood control system, the issuance of bonds payable from assessments against property benefitted, or the levy and collection of such assessment shall be required except as provided in this Act. All powers necessary and proper to the accomplishment of the purposes of this Act shall be and are hereby granted to cities of the fourth class and to the governing authorities and officials of such cities.

SECTION 20. The provisions of this Act shall be deemed severable as far as practical, and should any part be declared invalid or ineffectual the remaining portions of the Act shall not be affected thereby.

SECTION 21. An emergency is hereby declared to exist, and this Act shall be come effective immediately upon its passage and approval.

By Mr. Morgan.

H. B. No. 375. An Act authorizing cities of the second class of the Commonwealth of Kentucky to establish by or-

diance groups of city employees to obtain the advantages of the group plan of life insurance; and to appropriate from public funds for that purpose any sum annually, not exceeding fifty per cent of the annual premium on such policies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the legislative body of any city of the second class of the Commonwealth of Kentucky shall have the authority, by ordinance, to form its employees into a group, or groups, for the purpose of their obtaining the advantages of the group plan of life insurance; to aid such employees as long as they continue under such employment by paying from the funds of the city any sum annually not exceeding fifty percent of the annual premiums on such policies, and to contract with the insurer on such terms as may be provided for in such policies of insurance.

H. B. No. 376. An Act to amend and re-enact Section 92.670, Kentucky Revised Statutes relating to levy upon and sale of real property for taxes in cities of second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 92.670, Kentucky Revised Statutes, be amended and reenacted so that it shall read as follows:

92.670 *Levy upon and sale of real property for taxes in cities of second class.* On the second Monday in December of each year, or as soon thereafter as practicable, the treasurer of each city of the second class shall sell a sufficient amount of real property, whether encumbered or not, of each delinquent taxpayer to satisfy all unpaid taxes of the delinquent with interest and penalties thereon, and to pay two dollars for the cost of advertisement and sale. The sale shall be made to the highest bidder for cash at public auction, at or about

noon, at the main entrance of the city building. One or more parcels of real property may be sold for all of the taxes owed by the delinquent, whether for taxes on the property sold or for taxes on other real or personal property. When a parcel of real property is offered for sale, the treasurer shall inquire whether any one will buy an interest therein less than the whole thereof, and pay the taxes, interest, penalty and costs thereon, and he shall sell only so much thereof or such an interest therein as will produce the amount required to be realized. If no one will take less than the whole of the property and pay the taxes, interest, penalties, and costs, the treasurer shall sell the whole of the property. If no one bids an amount equal to the taxes, interest, penalties and costs, the treasurer shall purchase the property for that amount. If one or more persons own a life estate or other particular estate in the property sold with remainder over to others, the treasurer shall first offer the particular estate for sale, and if no one will bid enough therefor to pay the taxes, interest, penalties and costs, he shall then sell the whole property. Except as otherwise provided in this section, the sale shall be made in the same manner that real property is sold by sheriffs under execution, but no levy or appraisal shall be necessary. If any person purchases property at the sale, and then fails to pay for it, the treasurer shall immediately resell the property. Real property sold for delinquent taxes may be resold, in like manner, for taxes for succeeding years, if, for any reason, real property is not sold at the time fixed in this section, it may be advertised and sold at any time thereafter in the manner provided in this section. Before making any sale, the treasurer shall cause three notices thereof to be published in the official newspaper of the city during the two weeks just preceding the day of sale, showing the time, place and terms of the sale, the names of the delinquent taxpayers, the numbers of the tax bills, the total amount of taxes, interest, penalties and costs due on each bill, and a brief description of the property to be sold, by lot and block numbers as shown on the city maps or by other descriptions sufficiently accurate to identify each parcel. Within thirty days after the sale the treasurer shall cause to be delivered to each delinquent whose

real property has been sold, or to his guardian or committee, a written notice of the sale, the time within which the property can be redeemed and the amount required to redeem it. If the delinquent is a non-resident the notice shall be served by delivering it to his agent or attorney, and if he has no agent or attorney in the state then it shall be served by posting it in a conspicuous place upon the property, and by posting a copy of same at the court house door in the county wherein the land is situated. If notice is not served within thirty days, it may be served as soon thereafter as practicable, but if the notice is not given six months before the expiration of the period of redemption that period shall be extended until six months after the service of the notice; Failure to give notice shall not defer the purchaser's right to possession as provided in subsection (1) of KRS 92.760. The notice may be executed by any police officer of the city or by any other person authorized by law to serve a notice. Any purchaser of property sold for taxes may cause the notice to be given with the same effect as if given by the treasurer. In either case the notice, with the officer's written return thereon showing the time and manner of service, shall be returned to the treasurer's office and recorded in a book provided for that purpose and preserved in that office. No deed shall be executed to a purchaser when notice has not been given as required. All money received by the treasurer for property sold for taxes, including money collected for costs, shall be promptly accounted for and paid over by the treasurer in the same manner as taxes collected without sale.

By Mr. Lowman.

H. B. No. 377. An Act concerning armories.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. There is hereby appropriated to the Department of Military Affairs out of the General Expenditure Fund

for each of the fiscal years ending June 30, 1949, and June 30, 1950, the sum of one hundred thousand dollars ($100,000) for the purpose of constructing, reconstructing, acquiring, maintaining, renting, supplying, equipping, insuring and providing armories for the use of the Armories Division.

Section II. Due to the uncertainty of obtaining materials, equipment and labor at the time of the passage of this Act, it is the intention of the General Assembly that any unexpended balance of the appropriation of one hundred thousand dollars ($100,000) for the fiscal year ending June 30, 1949, made by Section 1 of this Act shall not revert to the General Expenditure Fund, but shall continue to the next fiscal year ending June 30, 1950.

Section III. KRS 36.080 (3) shall not apply to armories constructed by or rented from the Commonwealth of Kentucky Military Department Armory Corporation, organized under the laws of Kentucky July 10, 1939.

Section IV. Nothing in this Act shall be construed to repeal any appropriation to the Department of Military Affairs for the fiscal year ending June 30, 1948. The Appropriation made by Section I. of this Act shall not replace any other appropriation to the Department of Military Affairs for the fiscal biennium ending June 30, 1950, which may be passed by this session of the General Assembly, but shall be in addition to all sums heretofore or that may be hereafter appropriated to the Department of Military Affairs for other purposes.

By Messrs. Hale, Collins and Lawrence Watts.

H. B. No. 378. An Act relating to motor carriers, providing for the exemption from the weight tax imposed by KRS 281.480 of motor vehicles used exclusively for the transportation of coal for hire.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The weight tax imposed by KRS 281.480 shall not apply to motor vehicles used exclusively for the transportation of coal for hire.

By Mr. Hilton.

H. B. No. 379. An Act relating to the distribution of school books.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act:

(1) "Depository" means a person, firm, corporation or agency qualified and equipped to handle the distribution of school books throughout the state upon an efficient and regular basis.

(2) "Textbooks" means books that have been adopted, for use in public schools, by the State Textbook Commission, pursuant to the provisions of KRS 156.260 to 156.370, other than those books that are distributed under the free textbook law.

(3) "School Books" includes textbooks, and all other pupil purchase books and workbooks, classified as basal, cobasal, multiple or supplementary, which are used or adopted for use in any public common school or school district other than library books and those books that are distributed under the free textbook law.

Sec. 2. Each local board of education shall itself act as official retail agent for the sale of school books in its school district or shall appoint one or more dealers to act as official retail agents, or may, subject to the approval of a state depository provided for in Sec. 3 of this Act designate the principal of a consolidated school or the principal of a high school, under the jurisdiction of the local board of education to act as agent.

Sec. 3. Immediately following the effective date of this Act each corporation, company or person furnishing or

offering school books for sale in this state shall designate a depository centrally and conveniently located within the State as a state depository for the handling of school books and distributing of same to the official retail agents and shall notify the State Superintendent of Public Instruction of this designation.

Sec. 4. Beginning with the adoption period that commences in 1950, no company or other person furnishing textbooks in this state shall distribute such books other than through a state depository. Each such company or other person shall be required to enter into a contract with a state depository, for the then current adoption period, to deliver to the depository on or before July 1 of each year, sufficient quantities of textbooks to supply all reasonable and immediate demands at the lowest wholesale price and at the lowest exchange price listed with the Superintendent of Public Instruction, all shipping charges prepaid. Prior to the adoption period that commences in 1950, any company or other person furnishing textbooks shall have the right to enter into such a contract with a state depository, for the remainder of the present adoption period.

Sec. 5. No company or other person furnishing or offering to furnish school books other than textbooks in this state shall distribute such books other than through a state depository. Such company or other persons shall be required to enter into a contract with a state depository, covering such period as may be agreed upon, to deliver to the depository, on or before July 1 of each year, sufficient quantities of such books to supply all reasonable and immediate demands at the lowest published net price, and at a price not higher than the price charged in any state of the United States, all shipping charges prepaid.

Sec. 6. The contracts entered into pursuant to Section 4 and 5 of this Act shall provide that the commission allowed the state depository for storage, handling, distribution and accounting shall not exceed ten percent (10%) of the net wholesale price of all books delivered to the depository.

Sec. 7. A state depository shall be responsible to all companies or other persons which have contracted with it

to furnish school books, for all books delivered to it, and shall furnish reasonable surety bond to cover any loss that may occur.

Sec. 8. A state depository shall furnish textbooks to the local boards of education or their duly appointed retail agents at the lowest wholesale price and the lowest exchange price listed with the State Superintendent of Public Instruction, and shall furnish school books other than textbooks to the local boards of education or to their duly appointed retail agents at the lowest published net price of the publisher publishing said books, but in no case shall the price be more than the price charged in any state of the United States. All prices shall be F. O. B. the State Depository. All books ordered by a retail agent or the local board of education shall be prepared for shipment upon receipt of order.

Sec. 9. A state depository may require a duly appointed retail agent to furnish a reasonable bond and upon failure to give such bond his appointment as retail agent shall forthwith be revoked.

Sec. 10. The official retail agent shall sell textbooks at not more than twenty percent (20%) in excess of the contract price listed with the State Superintendent of Public Instruction, and where old books, displaced by a new adoption, are offered by pubils in exchange for the corresponding new books, the new books shall be sold by the retail agent at a price not more than twenty percent (20%) in excess of the listed exchange price.

Sec. 11. If any agent violates the requirements of this Act, the board of education that appointed the agent may, by giving notice prior to May 1, in any year, revoke the appointment on July 1, of that year. When an agent's appointment is revoked or terminates all school books as per inventory of the agent must be returned to the State Depository within thirty (30) days or paid for at the wholesale price.

Sec. 12. Subsection (2) of KRS 156.990 shall apply to violations of this Act the same as it applies to violations of

the other statutes relating to adoption and distribution of school books.

Sec. 13. Section 156.340 of the Kentucky Revised Statutes is repealed.

By Mr. Jonas.

H. B. No. 380. An Act relating to the powers of counties with respect to regulation of the construction, reconstruction, relocation, remodeling, repair and maintenance of buildings in unincorporated territory within the county.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The fiscal court of any county shall have authority, by order or resolution, to adopt, and modify or amend from time to time, a building code governing the construction, reconstruction, remodeling, repair and maintenance of buildings, other than buildings for agricultural purposes located upon premises that are used solely for agricultural purposes, at all places in the county outside of the limits of incorporated cities. Such a code may include, among other things:

(1) Standards of safety, sightliness, sanitation, permanency, ventilation, structural soundness, and the like, for different classes of buildings.

(2) A requirement for a permit for the construction, reconstruction, relocation or remodeling of any building governed by the code.

(3) The imposition of fees for building permits.

(4) Provisions for the inspection of buildings.

§ 2. The substance of any order or resolution made or adopted pursuant to Section 1 of this Act shall be published in a newspaper of general circulation in the county, and the order or resolution shall not become effective until ten days after the day of publication.

§ 3. Any fiscal court which has adopted a building code pursuant to this Act may, in the same order or resolution by which the code was adopted, or in a separate order or resolution, provide for the appointment, and compensation from building permit fees or other county funds, of a building inspector and necessary assistants, and for supplying such inspector with necessary facilities; and vesting the inspector and assistants with authority to issue or deny building permits, inspect buildings, and otherwise enforce and administer the building code.

§ 4. It shall be unlawful, in any county to construct, reconstruct, relocate, remodel or maintain any building in violation of a building code adopted in such county under this Act. Any person who violates any provision of such a code shall be fined not more than one hundred dollars or imprisoned in jail for not more than ten days, or both, and each day during which a violation takes place or continues shall be deemed a separate offense. If any building is constructed, relocated, remodeled or maintained in violation of such a code, the fiscal court may institute proceedings to abate the violation and to enjoin the continuance of the violation.

§ 5. Any building in existence in a county at the time of adoption of a building code in such county shall not be subject to the provisions of the code except to the extent that the code provides minimum standards of safety and sanitation to be observed in the maintenance of buildings, and except that any future reconstruction, relocation or remodeling of such building shall be subject to the provisions of the code relating to reconstruction, relocation and remodeling.

By Mr. Clyde S. Howard.

H. B. No. 381. An Act relating to state resources, and the analysis, development, utilization, and publicizing thereof; providing for a Department of State Resources, defining its powers and duties, and transferring and appropriating monies to it; and abolishing the Division of Publicity, the Kentucky Progress Commission, and the Division of Geology.

Said bill is as follows, viz.:

Whereas, it is hereby declared a matter of legislative determination:

A. That unbalance between agriculture, industry and mining has been so great in Kentucky that today a million Kentuckians are working in other states, earning, perhaps, two billion dollars per year and that sum is being added to by the earnings of thirty thousand other Kentuckians who leave the state each year, all of which reduces our tax base and is the chief cause for the poverty of our state government; and

B. That lack of industry is the chief reason for our inability to provide employment in Kentucky for all Kentuckians; that Kentucky is rich in undeveloped resources: (minerals, labor, community life, cheap power, transportation, markets, water, timber and agricultural products) the location, quantity and quality of which, if properly surveyed and explored and the facts obtained made known to industry would induce many industrialists to locate their factories in Kentucky; that industry will not want learned statistical studies nor after-dinner speeches, but will want cold hard facts in great detail about the actual industrial resources of every community in the state; and

Whereas, it is hereby declared to be the policy of the General Assembly of Kentucky to provide industry with accurate and practical information as to our resources through a careful geological, mineralogical, chemical, water, physical, soil and timber survey of the mineral, agricultural and timber resources of every community in the state, and through an industrial survey to provide industry with accurate facts concerning labor, power, transportation, community life, markets, climate, taxes, capital and banking facilities, living costs, educational and recreational facilities, health and all other information industry might desire in determining the most desirable sites for plant location.

Now Therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established, as a statutory administrative department of the State Government, within the meaning of KRS Chapter 12, and to perform the functions conferred upon it in this Act, the Department of State Resources, which shall be under the administrative control of a Commissioner, whose salary shall be $5,000.00 per year and who shall be appointed by the Governor for a term of four years.

§ 2. (1) It shall be the duty of the Department of State Resources to determine the location, quantity and quality of all natural and industrial resources of Kentucky and to provide for their efficient and economical utilization.

(2) The Department of State Resources shall ascertain the natural and industrial resources most desirable for each type of industry; shall assemble data as to location, quantity and quality of raw material, power, transportation, markets, labor, capital and banking facilities, taxes, community conditions, plant construction and available factory sites, climate, water, potential hydro-electric developments and any and all other industrial resources in every county in Kentucky; shall tabulate, classify and analyze such information and designate the community most suitable for each type of industry by a comparison of the ideal requirements of each type of industry with the resources of specific communities. As this data is received, classified and analyzed, industry shall be acquainted with the advantages Kentucky has to offer in the way of plant location.

(3) The Department of State Resources shall make, in every county in Kentucky, a practical, careful and detailed geological, mineralogical, chemical, water and physical survey; shall locate coal, oil, metalliferous deposits, clays, ores, building stone and other minerals, and their extent and quality in so far as is practicable, and outline their characteristics, and shall collect, analyze and label specimens of these and preserve them for public inspection.

(4) The Department of State Resources shall establish and operate a chemical, physical and mechanical laboratory in which complete chemical and physical analysis of any mineral, coal, oil, gasses, clays or cores from any drilling shall be made upon request of any citizen of Kentucky at actual cost of the analysis. It shall employ highly trained and experienced research chemists, physicists and mechanical engineers, who shall spend their entire working time doing original and exhaustive research in the field of discovering new and improved uses for our natural resources and the invention and improvement of machinery to be used in producing and processing our resources, and to build pilot plants for experimental work in such processing and production.

(5) The Department of State Resources shall make a detailed and complete survey of the soils of the state, determine their type and productivity and classify them as to agricultural, grazing or forest lands. The department also shall determine the location and area of land now being unprofitably cultivated and any abandoned land, and the abandoned land shall be further classified as reclaimable for agriculture, reclaimable for forests, or entirely useless. The department also shall make a comprehensive survey of the agricultural and forest resources of the state, as they might effect industrial location.

(6) The Department of State Resources shall establish and operate a central cartographic agency for all state departments and shall make detailed and complete topographic, geological and relief maps of the state, as well as all maps needed by the Department of Highways and other departments.

§ 3. The Commissioner of State Resources may enter into cooperative arrangements with private, municipal, state, or federal agencies for industrial data or for geological, topographic, soil or any other surveys that properly come within the scope of the department. All departments of the state government, and the University of Kentucky and other schools supported by state appropriations, are hereby authorized and enjoined to give any assistance possible in carrying

out the purposes of this Act, and to make available to the Commissioner of State Resources any data or information that may be in their possession that might be of value to the Department of State Resources in carrying out the purposes of this Act, but in furnishing such information, if any expense be incurred by such department or school, it shall be reimbursed from the funds of the Department of State Resources.

§ 4. The Commissioner of State Resources shall be empowered to create such Bureaus, Divisions and Sections within the Department and to employ such competent administrative, technical and clerical assistants as he may deem necessary, and shall set up standards of qualification requisite for such employment.

§ 5. Any authority necessary for the purpose of carrying into effect the provisions of this Act is hereby conferred on the Department of State Resources, whether specifically mentioned herein or not.

§ 6. Any appropriations made to the Division of Geology in the Department of Mines and Minerals, and to the Division of Publicity in the Department of Conservation, by the present session of the General Assembly, and any unencumbered balance of appropriations to such Divisions of Geology and Publicity for the fiscal year 1947-1948, shall be transferred to and become available to the Department of State Resources, established by this Act. In addition to the above sums, there is hereby appropriated out of the General Expenditure Fund in the State Treasury, to the Department of State Resources, the sum of Five Hundred Thousand Dollars for the fiscal year 1948-1949 and the sum of One Million Dollars for the fiscal year 1949-1950.

§ 7. Sections 146.060, 147.010 to 147.060, and 351.200 to 351.230, of the Kentucky Revised Statutes, are repealed.

§ 8. Section 146.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Conservation shall be headed by a Commissioner of Conservation, who shall receive an annual salary of five thousand dollars.

(2) The Department shall be divided into a Division of Parks, a Division of Forestry, a Division of Archaeology, and a Division of Soil and Water Resources.

By Mr. Rayburn.

H. B. No. 382. An Act relating to hotels, inns, tourist courts, rooming houses and other places offering rooms by the day or week, requiring a sign in each and every room so offered for rent, providing a method by which such rates may be raised, and penalties for failing to post such signs, and/or increasing said rates without first giving notice; and providing for an emergency clause.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That each and every hotel, inn, tourist court, rooming house, and any other establishment renting rooms by the day or week shall be required to post in every room so offered for rent, a card showing the daily and weekly rate for the room.

That it shall be unlawful for any hotel to raise its rates, without first publishing the increase in rates in a newspaper of general circulation in the county in which the hotel is located, at least six months before the increase is to take effect.

That each and every violation shall be subject to a fine of $100.00 per day. An emergency is hereby declared to exist and the provisions of this act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Morgan.

H. B. No. 383. An Act to repeal, amend, and re-enact Section 277.170, Kentucky Revised Statutes, with respect to warning the traveling public of the approach of trains to public highway crossings in Kentucky on any railroad track.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 277.170, Kentucky Revised Statutes, be, and the same is hereby repealed, amended, and re-enacted so as to read as follows, viz.:

Whenever, in the opinion of the Railroad Commission, the public interests requires that a gate be erected or maintained, or a flagman stationed, or an electric warning signal be installed at any highway crossing in the Commonwealth of Kentucky, the Commission shall give to the company owning or operating the railroad written notice that a gate or flagman or an electric danger signal is required at a particular highway crossing in Kentucky.

If a gate is required, the notice shall prescribe the time within which the gate shall be erected, and the character of gate required, and shall designate the hours during which a man shall be kept in charge of the gate.

If a flagman is required, the notice shall designate the hours during which he shall be kept at the crossing. The railroad company shall comply with the provisions of the notice.

The Railroad Commission may authorize the discontinuance of the gate, flagman, or the electric danger signal whenever in its judgment the public interest no longer requires such warning to the traveling public of the approach of trains at said particular public highway crossing on the railroad at that point.

By Mr. Arnold.

H. B. No. 384. An Act relating to stenographers for county judges; amending KRS 25.290.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 25.290 of the Kentucky Revised Statutes is amended to read as follows:

In all counties, the county judge, if so authorized by the fiscal court, may appoint a stenographer for a term of four years. He may remove the stenographer at any time.

Ordered that said bills be printed and referred.

Mr. Hanratty offered the following resolution, viz.:

H. Res. No. 47. A Resolution authorizing E. H. Marhoefer, Jr. Company to sue the Commonwealth of Kentucky; authorizing a compromise or settlement of such claim or suit; and providing for the payment of any judgment obtained or the amount of any settlement agreed upon.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky, that:

Whereas, E. H. Marhoefer, Jr. Company was the lowest and best bidder on contracts for the construction of waterworks improvements and a sewage treatment plant and sanitary sewers at Western State Hospital, at or near Hopkinsville, Kentucky; and

Whereas, the contracts for said improvements were awarded to the said E. H. Marhoefer, Jr. Company of said contracts designated and known as Contract H-5, Waterworks Improvement, Western State Hospital, Hopkinsville, Kentucky; Contract H-3, Sewage Treatment Plant, Division 1, Western State Hospital, Hopkinsville, Kentucky; and Contract H-3, Sewage Treatment Plant, Division 2, Western State Hospital, Hopkinsville, Kentucky; and

Whereas, said E. H. Marhoefer, Jr. Company submitted its bids and entered into said contracts in reliance upon plans, specifications and blueprints furnished the bidders and which formed a part of said contracts; and

Whereas, said plans, specifications and blueprints were prepared by an agency of the Commonwealth of Kentucky and purported to show in detail the water and sewage lines to be laid by said contractor, and purported to show the location of old sewage lines which existed under the surface of the ground and which were not visible by an inspection of the premises; and

Whereas, when the work was undertaken the contractor encountered a great many old sewer lines beneath the surface which had not been indicated on plans, blueprints or specifications; and

Whereas, said old sewer and water lines resulted in considerable delay and great additional expense to the contractor, and a great amount of extra work which was not anticipated and reasonably could not have been anticipated at the time the bids were submitted or at the time the contracts were executed; and

Whereas, the contractor contends that because of neglect, inefficiency, incompetency, and malicious and unreasonable requirements made and enforced by the engineer or engineers who supervised for the Commonwealth of Kentucky performance of the work which the contractor was required to do, the contractor was unreasonably delayed in the performance of the work and was required to deviate from the plans and specifications at greatly increased cost to the contractor, and for which the contractor was never compensated; and

Whereas, a dispute has arisen between said contractor and the Commonwealth of Kentucky with respect to additional compensation which the contractor claims to be due him because of various and sundry requirements imposed upon the contract which were not contemplated in or required by said contracts and specifications;

Now, Therefore, in order that the respective rights of the parties may be finally determined, the said E. H. Marhoefer, Jr. Company hereby is authorized to institute and maintain a suit against the Commonwealth of Kentucky, at the contractor's election, either in the Christian Circuit

Court or the Franklin Circuit Court, for such additional compensation as it may be entitled to receive and for such damages as it may have sustained, if any. The Attorney General of the Commonwealth of Kentucky may investigate the said claims against the Commonwealth and may compromise or settle said claims before or after suit is filed if he deems it advisable. Any amount adjudged to plaintiff in said suit or agreed upon by settlement with the Attorney General shall be paid out of funds appropriated to the Department of Welfare or out of any other available funds of the Commonwealth, upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky, as in other civil cases.

Nothing contained in this Resolution shall be considered by either the court or jury as substantive evidence on the merits of the alleged claim, and the court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies of any liability on the part of the Commonwealth of Kentucky or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Ordered that said resolution be printed and referred.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported to this House as follows, viz.:

House Bill No. 341—Committee on Public Utilities No. 1.

House Bill No. 348—Committee on Kentucky Statutes No. 1.

House Bill No. 349—Committee on Ways and Means.

House Bill No. 350—Committee on Roads and Highways.

House Bill No. 351—Committee on Courts.

House Bill No. 353—Committee on Kentucky Statutes No. 1.

House Bill No. 354—Committee on Kentucky Statutes No. 1.

House Bill No. 355—Committee on Ways and Means.

House Bill No. 356—Committee on Ways and Means.

House Bill No. 357—Committee on Kentucky Statutes No. 1.

House Bill No. 358—Committee on Kentucky Statutes No. 1.

House Bill No. 359—Committee on Kentucky Statutes No. 1.

House Bill No. 360—Committee on Kentucky Statutes No. 1.

House Bill No. 361—Committee on Kentucky Statutes No. 1.

House Bill No. 362—Committee on Kentucky Statutes No. 1.

House Bill No. 363—Committee on Kentucky Statutes No. 1.

House Bill No. 364—Committee on Kentucky Statutes No. 2.

House Bill No. 365—Committee on Ways and Means.

House Bill No. 366—Committee on Education No. 2.

House Bill No. 367—Committee on Ways and Means.

House Bill No. 368—Committee on Roads and Highways.

House Resolution No. 43—Committee on Claims.

House Resolution No. 44—Committee on Claims.

House Resolution No. 45—Committee on Claims.

House Resolution No. 46—Committee on Claims.

Senate Bill No. 98—Committee on Tuberculosis.

Senate Bill No. 127—Committee on Ways and Means.

Senate Bill No. 27—Committee on Kentucky Statutes No. 2.

REPORT OF COMMITTEES

Mr. Wells of the Committee on Memorials and Resolutions, to which same had previously been referred, report a resolution of the following title, viz.:

H. Res. No. 35. A Joint Resolution providing for the designation, as "The United Spanish War Veterans' Memorial Highway," of that portion of U. S. Highway No. 23 that passes through Kentucky, and for the suitable marking of the same.

With the expression of opinion that same should pass.

Whereupon said resolution was read at length for the first time and

Ordered placed on the Calendar.

Mr. Rushing of the Committee on Cities of the First Class, to which the same had previously been referred, reported bills of the following titles, viz.:

S. B. No. 48. An Act amending and re-enacting K.R.S. 132.640 relating to advancement against compensation to county tax commissioner in counties containing city of first or second class.

S. B. No. 47. An Act amending and re-enacting K.R.S. 132.630 relating to compensation of county tax commissioner, deputies, appraisers and assistants in counties containing city of first class.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Dr. Salyer of the Committee on Banks and Banking, to which same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 210. An Act to provide that building and loan associations, when making a loan, may renew and extend the note evidencing such loan and may lend additional amounts to the same borrower or borrowers or their successors in title, and that the original mortgage securing payment of such loan shall secure payment of such renewals, extensions and additional loans, where so stated in such mortgage, to the extent of two thousand dollars ($2,000.00) in addition to the original amount loaned.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Smith of the Committee on Veterans' Legislation, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 58. An Act relating to services for war veterans and their dependents; establishing a Veterans Affairs Commission and providing for its organization, functions

and appropriations; and abolishing the present Disabled Ex-Service Men's Board.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Prichard of the Committee on Alcoholic Control No. 1, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 340. An Act relating to the penalties for the violation of the local option law, particularly with respect to traffic in or possession of alcoholic beverages in dry territory.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Bronston of the Committee on Motor Transportation No. 1, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 95. An Act relating to the transportation of cattle at night, by motor vehicle.

With the expression of opinion that same should not pass.

No motion having been made to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken on

said bill, it was ordered that said bill be not read the first time and so said bill was rejected.

Mr. J. Ernest Jones moved that the rules be suspended and the privilege of the floor extended to Mrs. James B. Deweese.

Said motion was unanimously agreed to.

Mr. Shelton moved that the rules be suspended and the privilege of the floor extended to Mr. Emil Brown.

Said motion was unanimously agreed to.

Mr. Williamson moved that the rules be suspended and the privilege of the floor extended to Mrs. Francis Christian.

Said motion was unanimously agreed to.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 311. An Act relating to repeal of excise tax.

H. B. 277. An Act repealing reenacting Subsection 1 of Section 76.090 of the Kentucky Revised Statutes.

With Committee amendments thereto.

Ordered that said bills be read at length the second time.

Mr. John C. Watts moved that the Constitutional provision as to the second reading at length of said bills be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills having been dispensed with, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Smith moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to by a majority of the members elected.

Thereupon bills of the following titles were introduced, viz.:

By Mr. Smith.

H. B. No. 385. An Act providing for the payment of compensation to members of local boards and appeal boards under the Federal Selective Service Act, for services during World War II, and making an appropriation for the purpose.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Members of the local draft boards and appeal boards who were appointed under the Federal Selective Service Act, and who served in this state during World War II, shall each be entitled to be paid out of the State Treasury, the sum of sixty dollars per month for each month served in the performance of their official duties. The payments shall be made through the Department of Military Affairs, which shall have authority to make and enforce such rules and regulations as may be necessary for the proper administration of this Act, including regulations as to the form in which applications for such compensation shall be made, and the character of proof of eligibility to be submitted. Applications for such compensation must be made within six months after the effective date of this Act.

§ 2. There is hereby appropriated out of the General expenditure Fund in the State Treasury, for the fiscal year 1948-1949, such sum as may be necessary to make the payments authorized by this Act.

By Mr. Robinson.

H. B. No. 386. An Act relating to zoning and planning in cities of the first class and in counties containing such a city, with particular relation to non-conforming uses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 100.068 of the Kentucky Revised Statutes is amended to read as follows:

The lawful use of land for trade, industry or residence, existing at the time of adoption of any zoning regulation or restriction, or at the time of the adjustment or revision thereof, or amendment thereto, although such use does not conform to the provisions of such new regulations or restrictions, may be continued.

§ 2. Section 100.069 of the Kentucky Revised Statutes is amended to read as follows:

The use of a building or structure existing at the time of the adoption of any zoning regulation or restriction, or at the time of any adjustment or revision thereof or amendment thereto, although such use does not conform to the provisions of such new regulations or restrictions, may be continued, and a nonconforming use of a building or structure may be changed to another nonconforming use of the same or more restricted classification.

§ 3. Section 100.071 of the Kentucky Revised Statutes is repealed.

Ordered that said bills be printed and referred.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 65. An Act relating to the common school equalization fund, with particular reference to eligibility of school districts to participate in the fund.

With an amendment thereto as previously proposed and adopted by the House.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 157.053 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any board of education that has had its budgets and salary schedule for the ensuing school year approved by the State Board of Education, whose ratio of assessed valuation of property to fair cash value is equal to the average ratio throughout the state, as certified to the State Board of Education by the Kentucky Tax Commission, and has levied for school purposes a tax at the maximum rate permitted by law, shall have the privilege of applying for aid from the equalization fund.

Said amendment to said bill as previously proposed and adopted by the House is as follows, viz.:

Amend House Bill No. 65 by adding at the end thereof the following paragraph.

"This Act shall take effect on July 1, 1949."

Said bill having been engrossed it was then passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	R. N. Hubbard	Lilburn S. Rogers
Levi Baker	Laban P. Jackson	Amos Runyan
Bernhardt Bauer	Paul S. Jonas	LeRoy Saylor
Fred Beshear	J. Ernest Jones	James J. Shannon
Mrs. Mary Burnett	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	W. E. McClure	James S. Shaw
Earl W. Christian	F. G. Marquette	Jesse H. Shelton
George I. Cline	C. D. Moberly	John M. Spaulding
B. G. Davidson	Walter Moorman	Chas. L. Spillman
Henry C. Hale	E. C. Mullins	G. W. Steinford
Carson Hibbitts	Stanley Murphy	John M. Stumbo
E. R. Hilton	T. A. Noe, Jr.	G. C. Thornton
Clyde S. Howard	J. H. Polsgrove	John C. Watts
D. W. Howard	E. F. Prichard	—41

Those who voted in the negative were—

Alford Jason	M. G. Howard	Ottis Roberts
Roy W. Arnold	Ira W. Hulette	F. L. Robinson
Earl F. Ashcraft	Kerby Jennings	Mrs. Rutherford
Isaac M. Blevins	L. H. Jones	D. B. Saylor
Paul Carter	Ed Marcum	Albert Thomason
Everett T. Cooper	Fred H. Morgan	W. R. Tipton
G. I. Drury	Joe E. Nunn	W. J. Ward
Kermit Dwyer	H. S. Overby	Lawrence Watts
Otto W. Goff	H. C. Patterson	Lynn Boyd Wells
N. M. Hamilton	H. M. Pewitt	Rodney Whitlow
James P. Hanratty	L. W. Preston	Charles W. Wirsch
		—33

Resolved that the title thereof be as aforesaid.

Mr. Clyde S. Howard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a Senate Resolution of the following title, viz.:

S. Res. No. 7. Joint Resolution providing for the purchase of five hundred and fifty copies of the Kentucky Directory, and the distribution thereof, and appropriating $1,100.00 to purchase same.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated $1,100.00 out of the General Expenditure Fund to be used by the State Librarian for the purchase of the Kentucky Directory, 1948 Edition.

Section 2. That the State Librarian shall purchase at not exceeding two dollars per copy, five hundred and fifty copies of the book entitled "Kentucky Directory 1948," for the use of the Courts, state and county officers and members of the General Assembly. The Librarian shall furnish to the members of the General Assembly and such officers as are designated by the presiding officers of the respective houses a copy of the same and shall furnish the state officials with copies thereof and shall send a copy to the Circuit Court Clerk of each county in the state to be kept in his office. The Librarian shall furnish the Librarian of each state and territory of the Union a copy of said book, and a copy to the Librarian of Congress, and shall deliver to the Secretary of State fifty copies to be exchanged with the Secretary of State of other states for directories of their state. Upon receipt of the books the Librarian shall certify the bill therefor to the Commissioner of Finance and he shall draw his warrant on the State Treasurer for the amount certified which shall be paid out of the General Expenditure Fund.

Section 3. It being necessary that the officers should have the books herein provided for at once, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

Ordered that said resolution be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	Fred H. Morgan
Jason Alford	N. M. Hamilton	E. C. Mullins
Roy W. Arnold	James P. Hanratty	Stanley Murphy
Earl F. Ashcraft	Carson Hibbitts	H. M. Pewitt
Sidney Baer	E. R. Hilton	J. H. Polsgrove
Levi Baker	C. J. Holsclaw	L. W. Preston
Bernhardt Bauer	Richard R. Houpt	E. F. Prichard
C. E. Baumgardner	Clyde S. Howard	Ottis Roberts
Fred Beshear	Ira W. Hulette	F. L. Robinson
Isaac M. Blevins	Laban P. Jackson	Amos Runyan
Chas. J. Bronston	Paul S. Jonas	Glenn Rushing
Mrs. Mary Burnett	J. Ernest Jones	Mrs. Rutherford
Chas. W. Burnley	L. H. Jones	Dr. K. N. Salyer
Earl W. Christian	Ercel Kozee	D. B. Saylor
Robert Collins	Harry K. Lowman	James J. Shannon
Everett T. Cooper	W. E. McClure	Paul E. Shannon
Horace T. Cull	Ed Marcum	James S. Shaw
B. G. Davidson	F. G. Marquette	Jesse H. Shelton
Owen Deering	C. D. Moberly	Harry Smith
G. I. Drury	Walter Moorman	John M. Spaulding

G. W. Steinford	J. B. Veech	Morris Weintraub
John M. Stumbo	W. J. Ward	Rodney Whitlow
Albert Thomason	John C. Watts	G. F. Williamson
G. C. Thornton	Lawrence Watts	Charles W. Wirsch
Wilford S. Travis		—73

Resolved that the title thereof be as aforesaid.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 49. An Act proposing an amendment to Section 256 of the Constitution of this Commonwealth, relating to the amendment of the Constitution.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It is hereby proposed that Section 256 of the Constitution of the Commonwealth of Kentucky be amended so as to permit not more than four amendments to be voted upon at any one time, so that said section, as so amended, will read as follows:

Amendments to this Constitution may be proposed in either House of the General Assembly at a regular session, and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, such proposed amendment or amendments, with the yeas and nays of the members of each House taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the State for their ratification or rejection at the next general election for members of the House of Representatives, the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the Secretary of State in such manner as shall be provided by law, which vote shall be compared and certified by the same board authorized by law to compare the polls and give certificates of election to officers for the State at large.

If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than four amendments shall be voted upon at any one time; nor shall the same amendment be again submitted within five years after submission. Said amendments shall be so submitted as to allow a separate vote on each, and no amendment shall relate to more than one subject. But no amendment shall be proposed by the first General Assembly which convenes after the adoption of this Constitution. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the General Assembly, proposing an amendment or amendments to this Constitution.

§ 2. This amendment shall be submitted to the voters at the time and in the manner provided for under Sections 256 and 257 of the Constitution and Section 118.430 of the Kentucky Revised Statutes.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Richard R. Houpt	Lilburn S. Rogers
Jason Alford	Clyde S. Howard	Amos Runyan
Roy W. Arnold	D. W. Howard	Mrs. Rutherford
Earl F. Ashcraft	M. G. Howard	Dr. K. N. Salyer
Sidney Baer	R. N. Hubbard	D. B. Saylor
Levi Baker	Ira W. Hulette	James J. Shannon
Bernhardt Bauer	Laban P. Jackson	Paul E. Shannon
Fred Beshear	Kerby Jennings	James S. Shaw
Isaac M. Blevins	Ercel Kozee	Jesse H. Shelton
Mrs. Mary Burnett	Harry K. Lowman	Harry Smith
George I. Cline	W. E. McClure	John M. Spaulding
Robert Collins	F. G. Marquette	G. W. Steinford
Everett T. Cooper	C. D. Moberly	John M. Stumbo
Horace T. Cull	Walter Moorman	Albert Thomason
B. G. Davidson	Fred H. Morgan	G. C. Thornton
Owen Deering	E. C. Mullins	W. R. Tipton
G. I. Drury	Joe E. Nunn	J. B. Veech
Kermit Dwyer	H. S. Overby	W. J. Ward
Henry C. Hale	H. M. Pewitt	Lawrence Watts
James P. Hanratty	J. H. Polsgrove	Morris Weintraub
Carson Hibbitts	L. W. Preston	Lynn Boyd Wells
E. R. Hilton	Ottis Roberts	Rodney Whitlow
C. J. Holsclaw	F. L. Robinson	G. F. Williamson

—69

Those who voted in the negative were—

Chas. J. Bronston	Ed Marcum	E. F. Prichard
Paul Carter	Stanley Murphy	LeRoy Saylor
Otto W. Goff	T. A. Noe, Jr.	Charles W. Wirsch
L. H. Jones	H. C. Patterson	

—11

Resolved that the title thereof be as aforesaid.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 270. An Act concerning the accountant in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.090 of the Kentucky Revised Statutes is amended and reenacted and as so amended and reenacted shall read:

There is created in each city of the first class the office of accountant. The comptroller and inspector shall appoint an accountant, who shall act under the supervision and control of the comptroller and inspectors. The accountant shall audit all salary and expense payrolls and sign all checks on the city treasury which shall be countersigned by the director of finance as provided in KRS. 91.030 and 91.050, and discharge such other duties as are required of him by the comptroller and inspector. In the absence or disability of the accountant, the comptroller and inspector shall designate some suitable person performing duties under the comptroller and inspector to act in place of the accountant. The accountant shall give bond, to be approved by the mayor and board of aldermen. His salary shall be fixed by ordinance.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	L. W. Preston
Roy W. Arnold	Carson Hibbitts	E. F. Prichard
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Richard R. Houpt	F. L. Robinson
Levi Baker	Clyde S. Howard	Lilburn S. Rogers
Bernhardt Bauer	D. W. Howard	Amos Runyan
C. E. Baumgardner	Ira W. Hulette	Glenn Rushing
Fred Beshear	Laban P. Jackson	Mrs. Rutherford
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	Paul S. Jonas	D. B. Saylor
Mrs. Mary Burnett	J. Ernest Jones	LeRoy Saylor
Chas. W. Burnley	L. H. Jones	James J. Shannon
A. H. Calvert	Ercel Kozee	Paul E. Shannon
Paul Carter	W. E. McClure	James S. Shaw
Earl W. Christian	Ed Marcum	Harry Smith
George I. Cline	E. H. Martin	John M. Spaulding
Robert Collins	C. D. Moberly	G. W. Steinford
Everett T. Cooper	Davis Moore	Albert Thomason
Perry M. Cross	Walter Moorman	G. C. Thornton
Horace T. Cull	Fred H. Morgan	Wilford S. Travis
B. G. Davidson	E. C. Mullins	W. J. Ward
Owen Deering	Stanley Murphy	John C. Watts
G. I. Drury	T. A. Noe, Jr.	Lawrence Watts
Kermit Dwyer	Joe E. Nunn	Morris Weintraub
Otto W. Goff	H. S. Overby	Lynn Boyd Wells
Henry C. Hale	H. M. Pewitt	Rodney Whitlow

—81

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 266. An Act relating to assessment returns in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.350 of the Kentucky Revised Statutes is amended and reenacted and as so amended and reenacted shall read as follows:

The assessor shall, on or before September 10 of each year, or as soon thereafter as is practicable, have available to the general public, records of the current assessment return which shall include the names of all owners or holders of lands, improvements or personal property, showing opposite the name of each owner or holder the number and block of each of his lots according to the maps in the office of the assessor, the aggregate value of each parcel of land, the value per front foot when the land fronts on a public way, the value of the improvements, and the assessed value of the personal property.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Earl F. Ashcraft	Bernhardt Bauer
Jason Alford	Sidney Baer	C. E. Baumgardner
Roy W. Arnold	Levi Baker	Fred Beshear

Isaac M. Blevins	D. W. Howard	Ottis Roberts
Chas. J. Bronston	Ira W. Hulette	F. L. Robinson
Mrs. Mary Burnett	Laban P. Jackson	Lilburn S. Rogers
Chas. W. Burnley	Kerby Jennings	Amos Runyan
A. H. Calvert	Paul S. Jonas	Glenn Rushing
Paul Carter	J. Ernest Jones	Mrs. Rutherford
Earl W. Christian	L. H. Jones	Dr. K. N. Salyer
George I. Cline	Ercel Kozee	D. B. Saylor
Robert Collins	W. E. McClure	LeRoy Saylor
Everett T. Cooper	Ed Marcum	James J. Shannon
Perry M. Cross	E. H. Martin	Paul E. Shannon
Horace T. Cull	C. D. Moberly	James S. Shaw
B. G. Davidson	Davis Moore	Harry Smith
Owen Deering	Walter Moorman	John M. Spaulding
G. I. Drury	Fred H. Morgan	G. W. Steinford
Kermit Dwyer	E. C. Mullins	Albert Thomason
Otto W. Goff	Stanley Murphy	G. C. Thornton
Henry C. Hale	T. A. Noe, Jr.	Wilford S. Travis
N. M. Hamilton	Joe E. Nunn	W. J. Ward
James P. Hanratty	H. S. Overby	John C. Watts
Carson Hibbitts	H. M. Pewitt	Lawrence Watts
C. J. Holsclaw	J. H. Polsgrove	Morris Weintraub
Richard R. Houpt	L. W. Preston	Lynn Boyd Wells
Clyde S. Howard	E. F. Prichard	Rodney Whitlow

—81

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 267. An Act concerning the Tax Receiver in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.110 of the Kentucky Revised Statutes is amended and reenacted and as so amended and reenacted shall read:

(1) The director of finance shall appoint a tax receiver, who shall hold office until he resigns or is removed. The director of finance may, subject to the approval of the mayor, remove the tax receiver at any time.

(2) The tax receiver shall collect all city taxes except those that are to be collected by the sinking fund, and shall make a settlement with the director of finance daily. He shall each day make out a statement showing his collection of taxes for the previous day and shall deliver one copy thereof to the director of finance and one to the comptroller and inspector He shall keep the books and accounts of his office in such manner as is prescribed by ordinance or, in the absence of any such ordinance, by the director of finance, and shall perform any other duties imposed by law.

(3) The tax receiver shall be charged with all uncollected bills and shall account for the same in such manner as is prescribed by ordinance, or, in the absence of any such ordinance, by the director of finance. No tax receiver shall be eligible to any office unless he has accounted to the city for all collections and obtained his quietus.

(4) The tax receiver may appoint, with the approval of the director of finance, such deputies as are allowed him by ordinance. He shall give bond for the faithful performance of his duties, to be approved by the mayor and the board of aldermen, and the bond shall include responsibility for the acts of his deputies.

(5) The tax receiver and his deputies shall be paid annual salaries, to be fixed by ordinance.

Ordered that said bill be read the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	L. W. Preston
Roy W. Arnold	Carson Hibbitts	E. F. Prichard
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Richard R. Houpt	F. L. Robinson
Levi Baker	Clyde S. Howard	Lilburn S. Rogers
Bernhardt Bauer	D. W. Howard	Amos Runyan
C. E. Baumgardner	Ira W. Hulette	Glenn Rushing
Fred Beshear	Laban P. Jackson	Mrs. Rutherford
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	Paul S. Jonas	D. B. Saylor
Mrs. Mary Burnett	J. Ernest Jones	LeRoy Saylor
Chas. W. Burnley	L. H. Jones	James J. Shannon
A. H. Calvert	Ercel Kozee	Paul E. Shannon
Paul Carter	W. E. McClure	James S. Shaw
Earl W. Christian	Ed Marcum	Harry Smith
George I. Cline	E. H. Martin	John M. Spaulding
Robert Collins	C. D. Moberly	G. W. Steinford
Everett T. Cooper	Davis Moore	Albert Thomason
Perry M. Cross	Walter Moorman	G. C. Thornton
Horace T. Cull	Fred H. Morgan	Wilford S. Travis
B. G. Davidson	E. C. Mullins	W. J. Ward
Owen Deering	Stanley Murphy	John C. Watts
G. I. Drury	T. A. Noe, Jr.	Lawrence Watts
Kermit Dwyer	Joe E. Nunn	Morris Weintraub
Otto W. Goff	H. S. Overby	Lynn Boyd Wells
Henry C. Hale	H. M. Pewitt	Rodney Whitlow

—81

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 269. An Act concerning the receipt, custody and disbursement of city funds; receipts; in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.030 of the Kentucky Revised Statutes is amended and reenacted and as so amended and reenacted shall read:

The Director of Finance shall receive and keep all money of the city and pay it out on checks signed by the accountant and countersigned by the director of finance, or, in the latter's absence, by the mayor. All money belonging to the City received by a city officer or agent from any source shall be deposited in the city treasury through the department of public finance regularly once a day, unless otherwise provided by statute or ordinance. The director of finance shall make out receipts, at least in triplicate, setting out the amount paid, the source of the payment, and to what accounts credited, and shall give one to the person paying and one to the comptroller and inspector.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams
Jason Alford
Roy W. Arnold
Earl F. Ashcraft
Sidney Baer
Levi Baker
Bernhardt Bauer
C. E. Baumgardner
Fred Beshear
Isaac M. Blevins
Chas. J. Bronston
Mrs. Mary Burnett
Chas. W. Burnley
A. H. Calvert
Paul Carter
Earl W. Christian
George I. Cline
Robert Collins
Everett T. Cooper
Perry M. Cross
Horace T. Cull
B. G. Davidson
Owen Deering
G. I. Drury
Kermit Dwyer
Otto W. Goff
Henry C. Hale
N. M. Hamilton
James P. Hanratty
Carson Hibbitts
C. J. Holsclaw
Richard R. Houpt
Clyde S. Howard
D. W. Howard
Ira W. Hulette
Laban P. Jackson
Kerby Jennings
Paul S. Jonas
J. Ernest Jones
L. H. Jones
Ercel Kozee
W. E. McClure
Ed Marcum
E. H. Martin
C. D. Moberly
Davis Moore
Walter Moorman
Fred H. Morgan
E. C. Mullins
Stanley Murphy
T. A. Noe, Jr.
Joe E. Nunn
H. S. Overby
H. M. Pewitt
J. H. Polsgrove
L. W. Preston
E. F. Prichard
Ottis Roberts
F. L. Robinson
Lilburn S. Rogers
Amos Runyan
Glenn Rushing
Mrs. Rutherford
Dr. K. N. Salyer
D. B. Saylor
LeRoy Saylor
James J. Shannon
Paul E. Shannon
James S. Shaw
Harry Smith
John M. Spaulding
G. W. Steinford
Albert Thomason
G. C. Thornton
Wilford S. Travis
W. J. Ward
John C. Watts
Lawrence Watts
Morris Weintraub
Lynn Boyd Wells
Rodney Whitlow

—81

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 264. An Act concerning tax bills how made out and listed for collection; evidence of validity of tax, in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.420 of the Kentucky Revised Statutes is amended and reenacted and as so amended and reenacted shall read as follows:

During December of each year or as soon as the rates for the coming year are fixed, the tax bills shall be made out according to the provisions of the ordinances levying taxes and the following January shall be listed with the tax receiver for collection. Taxes on personal property may be included with those on some one parcel of land and improvements. Any tax bill so listed with the tax receiver shall be prima facie proof that all steps have been taken to make it a binding tax bill for the amounts and purposes and against the person and property therein named or described.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	J. H. Polsgrove
Jason Alford	James P. Hanratty	L. W. Preston
Roy W. Arnold	Carson Hibbitts	E. F. Prichard
Earl F. Ashcraft	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Richard R. Houpt	F. L. Robinson
Levi Baker	Clyde S. Howard	Lilburn S. Rogers
Bernhardt Bauer	D. W. Howard	Amos Runyan
C. E. Baumgardner	Ira W. Hulette	Glenn Rushing
Fred Beshear	Laban P. Jackson	Mrs. Rutherford
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Chas. J. Bronston	Paul S. Jonas	D. B. Saylor
Mrs. Mary Burnett	J. Ernest Jones	LeRoy Saylor
Chas. W. Burnley	L. H. Jones	James J. Shannon
A. H. Calvert	Ercel Kozee	Paul E. Shannon
Paul Carter	W. E. McClure	James S. Shaw
Earl W. Christian	Ed Marcum	Harry Smith
George I. Cline	E. H. Martin	John M. Spaulding
Robert Collins	C. D. Moberly	G. W. Steinford
Everett T. Cooper	Davis Moore	Albert Thomason
Perry M. Cross	Walter Moorman	G. C. Thornton
Horace T. Cull	Fred H. Morgan	Wilford S. Travis
B. G. Davidson	E. C. Mullins	W. J. Ward
Owen Deering	Stanley Murphy	John C. Watts
G. I. Drury	T. A. Noe, Jr.	Lawrence Watts
Kermit Dwyer	Joe E. Nunn	Morris Weintraub
Otto W. Goff	H. S. Overby	Lynn Boyd Wells
Henry C. Hale	H. M. Pewitt	Rodney Whitlow

—81

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 82. An Act concerning the purgation for regular election in cities of the first class by house to house canvass.

With Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sub-section (3) Section 117.530 of Kentucky revised statutes are amended and re-enacted, and as so amended and re-enacted, shall read as follows:

(3) Each investigator provided for in this section shall be paid by the board such compensation, not more than fifteen dollars per precinct, as the board shall determine.

Said Committee amendment to said bill is as follows, viz.:

Amend the printed copy of Senate Bill No. 82, on page 1, line 5, after the word "not" to read and include "less than ten dollars nor".

Mr. Rushing moved that the House do now adopt said Committee amendment to said bill.

Said motion was agreed to.

And thereupon said Committee amendment to said bill was agreed to.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	T. A. Noe, Jr.
Jason Alford	N. M. Hamilton	Joe E. Nunn
Earl F. Ashcraft	James P. Hanratty	H. C. Patterson
Sidney Baer	E. R. Hilton	H. M. Pewitt
Levi Baker	C. J. Holsclaw	J. H. Polsgrove
Bernhardt Bauer	Richard R. Houpt	L. W. Preston
C. E. Baumgardner	Clyde S. Howard	Hobart Rayburn
Fred Beshear	M. G. Howard	Ottis Roberts
Isaac M. Blevins	Ira W. Hulette	F. L. Robinson
Mrs. Mary Burnett	Kerby Jennings	Amos Runyan
Chas. W. Burnley	Paul S. Jonas	Glenn Rushing
A. H. Calvert	J. Ernest Jones	Mrs. Rutherford
Paul Carter	L. H. Jones	Dr. K. N. Salyer
George I. Cline	Ercel Kozee	D. B. Saylor
Robert Collins	Harry K. Lowman	LeRoy Saylor
Horace T. Cull	F. G. Marquette	James J. Shannon
Owen Deering	C. D. Moberly	Paul E. Shannon
G. I. Drury	Davis Moore	James S. Shaw
Kermit Dwyer	Fred H. Morgan	Harry Smith
Otto W. Goff	E. C. Mullins	John M. Spaulding

G. W. Steinford	Wilford S. Travis	Morris Weintraub
John M. Stumbo	W. J. Ward	Lynn Boyd Wells
Albert Thomason	John C. Watts	Rodney Whitlow
W. R. Tipton	Lawrence Watts	Charles W. Wirsch

—72

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the rules be suspended for the purpose of allowing Report of Committees.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Lowman of the Committee on Military Affairs, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. No. 261. An Act providing compensation, transportation and subsistence while in active field service with the Kentucky National Guard.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Jonas of the Committee on Insurance, Fire and Marine, to which the same had been previously referred, reported bills of the following title, viz.:

H. B. No. 306. An Act relating to mutual insurance companies, other than life; amending KRS 301.050 and 301.070 and subsection (1) of KRS 301.030.

With Committee amendments thereto.

Said Committee amendments to said bill are as follows, viz.:

Committee Amendment No. 1. Amend printed copy of House Bill No. 306 on page 5, section 3, lines 8, 9 and 10, by striking all of lines 8, 9 and 10, and inserting in lieu thereof the following:

"storm, hail, tempest, earthquake, frost and snow, riot, and civil commotion, smoke, smudge, vandalism, malicious mischief, explosion with fire ensuing and explosion with no fire ensuing, except by steam boiler or fly wheels, provided, however, that there may be insured hereunder explosion of pressure vessels"

Committee Amendment No. 2. Amend House Bill No. 306, on page 6, section 3, lines 31 through 35, by striking all of lines 31 through 35 and inserting in lieu thereof the following:

"insurance; upon automobiles and all other cars and vehicles, and aircraft whether stationary or operated under their own power, against loss or damage by any of the causes or risks mentioned herein, including transportation, collision, burglary, theft and liability for damages to property resulting from owning, maintaining or using automobiles, cars, vehicles, and aircraft and including burglary and theft but not"

Committee Amendment No. 3. Amend House Bill No. 306, on page 9, section 3, line 124, by striking all of line 124 and inserting in lieu thereof the following:

"any kind of insurance specified in paragraph (b); and including insurance against"

H. B. No. 305. An Act to amend Section 298.100 of the Kentucky Revised Statutes relating to the annual statement of condition required of a domestic insurance company.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled a resolution of the following title, viz.:

S. Res. No. 22. A Joint Resolution authorizing and directing the State Fair Board to pay C. W. Taylor compensation for his services as de facto manager of the Kentucky State Fair during the period from January 1, 1947, to June 1, 1947.

Thereupon all other business was suspended, said resolution was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said resolution be delivered to the Enrolling Clerk of the Senate.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 253. An Act relating to the tax on premiums received by insurance carriers for workmen's compensation insurance; amending KRS 342.445 and 342.450.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 342.445 of the Kentucky Revised Statutes is amended to read as follows:

Every insurance carrier, including the parties to any interindemnity contract or reciprocal plan or scheme, insuring employers in this state against liability for personal injuries

to their employes, or death caused thereby under this chapter, shall pay a tax upon the premium received, whether in cash or notes, in this state or on account of business done in this state, for such insurance in this state, at the rate of two percent of the amount of the premium. This tax shall be in lieu of all other taxes on such premiums. It shall be assessed and collected as provided in KRS 342.450. Such insurance carriers shall be credited with all canceled or returned premiums, including dividends paid or credited to policyholders, and with premiums received for reinsurance assumed from companies authorized and licensed to transact business in this state.

§ 2. Section 342.450 of the Kentucky Revised Statutes is amended to read as follows:

Every such insurance carrier shall make an annual return verified by the affidavit of its president and secretary, or other chief officer or agents, to the Director of the Division of Insurance, stating the amount of all such premiums and credits during the period covered by that return. Every insurance carrier required to make such return shall file it with the Director of the Division of Insurance within thirty days after the close of the period covered by it, and shall at the same time pay into the State Treasury a tax of two dollars on each one hundred dollars of such premiums ascertained as provided in KRS 342.445, less returned premiums, including dividends paid or credited to policy-holders, and reinsurance received from other companies licensed to transact business in this state. Upon payment the insurer shall file a statement with the Secretary of State.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays beng taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Kerby Jennings	Glenn Rushing
Jason Alford	Paul S. Jonas	Mrs. Rutherford
Earl F. Ashcraft	J. Ernest Jones	Dr. K. N. Salyer
Sidney Baer	L. H. Jones	D. B. Saylor
Levi Baker	Ercel Kozee	LeRoy Saylor
Bernhardt Bauer	Harry K. Lowman	James J. Shannon
C. E. Baumgardner	W. E. McClure	Paul E. Shannon
Chas. W. Burnley	F. G. Marquette	James S. Shaw
Paul Carter	Davis Moore	Jesse H. Shelton
Horace T. Cull	Fred H. Morgan	Harry Smith
Owen Deering	E. C. Mullins	John M. Spaulding
G. I. Drury	Stanley Murphy	Chas. L. Spillman
Kermit Dwyer	T. A. Noe, Jr.	G. W. Steinford
Otto W. Goff	Joe E. Nunn	John M. Stumbo
Henry C. Hale	H. S. Overby	Albert Thomason
N. M. Hamilton	H. C. Patterson	Wilford S. Travis
James P. Hanratty	H. M. Pewitt	W. J. Ward
C. J. Holsclaw	J. H. Polsgrove	John C. Watts
Richard R. Houpt	L. W. Preston	Lawrence Watts
Clyde S. Howard	E. F. Prichard	Lynn Boyd Wells
D. W. Howard	Hobart Rayburn	Rodney Whitlow
M. G. Howard	Ottis Roberts	G. F. Williamson
Ira W. Hulette	Lilburn S. Rogers	Charles W. Wirsch
Laban P. Jackson		—70

Resolved that the title thereof be as aforesaid.

Mr. Holsclaw moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 291. An Act to provide for the public safety, by creating a Department of Kentucky State Police; providing

for the personnel thereof, including a Commissioner, officers and employees; providing for the powers, duties, immunities, compensation, appointment, discipline and removal of the personnel; transferring to the Department of Kentucky State Police the offices, facilities, equipment, duties, powers and funds of the State Highway Patrol; making an appropriation; and repealing laws in conflict.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As employed in this Act, unless the context requires otherwise, (a) "Department" shall mean the Department of Kentucky State Police; (b) "Commissioner" shall mean the Commissioner or Commanding Officer of the Kentucky State Police; (c) "Officer" shall mean any member of the Kentucky State Police, whether commissioned or non-commissioned officer, who possesses the powers of a peace officer; (d) "Civilian" shall mean such experts, statisticians, clerks and other assistants who do not possess the powers of a peace officer.

Section 2. There is hereby created a statutory administrative body of the State Government within the meaning of Chapter 12 KRS which shall be known and is hereby designated as the Kentucky State Police. The head of the Department shall be the Commissioner, who shall be appointed by the Governor and who shall hold office at the pleasure of the Governor.

Section 3. The Commissioner shall be more than twenty-eight (28) years of age and shall be a citizen of the United States, and shall be selected on the basis of training, experience and qualification for this position and preferably shall have had at least five (5) years' experience in public or police administration. The Commissioner shall receive a salary of five thousand ($5,000.00) per annum.

The Commissioner shall appoint from the ten highest ranking officers of the Department one officer to act as an

executive assistant and to serve as Commissioner in the absence or disability of the Commissioner. Such appointment may be changed at any time or times by the Commissioner and any other officer substituted in lieu thereof.

Section 4. The Department shall consist of the Commissioner and such number of officers and civilians, and shall be organized in such manner and into such divisions or sections, as the Commissioner shall from time to time determine.

All persons appointed as officers shall at the time of their appointment be: (a) not less than twenty-one (21) years of age, the maximum age limit to be fixed by the Commissioner, and the same may vary as to commissioned and non-commissioned officers; (b) of good moral character, and in good health; (c) citizens of the United States and residents of the Commonwealth; (d) high school graduates, or possess an education equivalent thereto. To meet such educational requirements, credit shall be given for experience in police administration or law enforcement. The Commissioner shall prescribe minimum physical requirements for appointment as an officer of the Department, and shall conduct such tests and require such physical examinations as may be deemed necessary in order to determine the fitness and qualification of each applicant. All other qualifications being equal, preference shall be given to veterans of World Wars I and II.

Section 5. The Commissioner shall appoint or promote to the ranks and grades and positions of the Department such officers and civilians as are considered by him to be necessary for the efficient administration of the Department. Such officers and civilians shall receive such compensation as shall be fixed by the Commissioner; provided the same shall reasonably conform to the standards established by the Division of Personnel in the Department of Finance.

Section 6. It shall be the duty of the Commissioner and each officer of the Department to detect and prevent crime, apprehend criminals, maintain law and order throughout the State, to collect, classify and maintain information useful for the detection of crime and the identification, apprehension and conviction of criminals and to enforce the criminal, as well

as the motor vehicle and traffic laws of the Commonwealth. To this end the Commissioner and each officer of the Department is individually vested with the powers of a peace officer and shall have in all parts of the State the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, constables and police officers in any suit brought against them in consequence of acts done in the course of their employment. Any warrant of arrest may be executed by the Commissioner or any officer of the Department. The powers and duties referred to in this section shall be subject to Section 12 of this Act.

Section 7. The Commissioner shall be the head and chief executive officer of the Department. He shall provide for himself and each officer of the Department, under the provisions of 42.060 KRS such uniforms, equipment and facilities, including motor vehicles, necessary to the performance of his or their respective duties, but all such uniforms, equipment and facilities, including motor vehicles, shall remain the property of the Commonwealth. The Commissioner may sell through the Department of Finance, under the provisions of 42.060 KRS, such uniforms, equipment and facilities, including motor vehicles, as become unfit for use, and all monies received therefrom shall be paid into the State Treasury and credited to a revolving fund to be used by the Department.

The Commissioner shall keep an inventory and shall charge against each officer the value of all property of the Department issued to him, and if it is determined by the Commissioner that any loss or destruction of such property was due to the carelessness or neglect of an officer, then the value of such property shall be deducted from the pay of such officer.

By agreement with the Commissioner of Highways of the Commonwealth, the Commissioner of the Department may provide that motor vehicles owned by it can be serviced and

repaired at any State garage upon such terms and for such compensation as such agreement may provide.

The Commissioner shall establish local headquarters so as to best distribute the officers and employees of the Department throughout the various sections of the Commonwealth where they will be most efficient in carrying out the provisions of this Act.

Section 8. The Commissioner shall adopt, formulate, alter and repeal rules and regulations for the enlistment, training, discipline and conduct of officers of the Department; for the selection and promotion of such officers on the basis of seniority of service, qualifications being equal, and he may make any other rules and regulations for the governing and operation of said Department as shall appear to him reasonably necessary to carry out the provisions of this Act.

He may require any officer or civilian who may receive and/or disburse public funds in the course of his duties to file a bond conditioned that he will honestly, correctly and according to law, receive, disburse and/or account for all public monies coming into his hands. The premiums on any such bond or bonds shall be paid by the Department.

The Commissioner, with the approval of the Governor and the Commissioner of Finance, may acquire real estate or interests therein, by purchase, lease or otherwise, necessary for the purposes of the Department, and, with like approval, provide for the acquisition or construction of necessary buildings and other permanent structures and facilities. Title to any real estate so acquired shall be taken in the name of the Commonwealth.

Section 9. The Commissioner is authorized to organize and maintain a training school or schools for officers of the Department, and in connection therewith to provide by regulation the course and conduct of such training and the period of time for which any officer, or any applicant therefor, shall attend such school. The Commissioner, under such regulations as he may adopt, is further authorized, but shall not be required, to make such training facilities available to any local governing unit within this Commonwealth.

Section 10. The Commissioner may approve vouchers in payment of expenses, including travel, lodging and meals, incurred by officers and civilians of the Department in the discharge of their duties, and such vouchers shall be audited and paid out of the Department's appropriation in the manner required by law.

Section 11. No fee for the performance of an act in line of duty, and no reward offered for the apprehension and conviction of any person or for the recovery of any property may be accepted by any officer or employee of the Department, but any fee or reward to which such officer or civilian would be entitled, apart from the foregoing provision, shall be paid into the State Treasury and credited to a revolving fund, to be used by the Department.

Section 12. Neither the Commissioner nor any officer of the Department shall exercise the powers herein conferred within the limits of any incorporated city which maintains a paid police force or department, except (a) when in hot pursuit of an offender or supposed offender, or (b) when in search of an offender or supposed offender wanted for a crime committed outside of the corporate limits of a city; or (c) when interviewing or seeking to interview a witness to any such crime, or (d) when requested to act by the chief executive officer of the city or its chief police officer, or (e) when ordered by the Governor, in case of emergency, to act within any specified city or cities. Provided, however, the chief executive officer of any city may request that any officer or officers of the Department be given full police authority within such city for a term of months or years or until revoked, and when such request has been approved by the Commissioner, all officers of the Department shall have authority to exercise the powers herein conferred within such city during the term specified, or until such authority is revoked by the chief executive officer of said city.

Section 13. The Commissioner shall cooperate and exchange information with any other department or agency of this Commonwealth, or with other police forces, both within and without this Commonwealth and with the Federal Gov-

ernment. The Commissioner may, when authorized by the Governor, negotiate with the appropriate officials of other states in the preparation of inter-state compacts for police protection as authorized by the Federal Congress, and such compacts as negotiated shall be submitted to the Governor and the General Assembly for approval.

All peace officers of the various political subdivisions of this Commonwealth shall cooperate with the Department and the Commissioner, and all officers thereof in the enforcement of the laws of this Commonwealth.

Section 14. With the exceptions hereinafter specified, no officer of the Department shall be removed, suspended, reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law or of any rule or regulation promulgated by the Commissioner. Any person may prefer charges in writing against any officer, which must be filed in the office of the Commissioner. Said charges must be signed by the person making the same, and must set out with clarity and distinction each and every charge. It shall be the duty of the Commissioner whenever probable cause appears, to prefer charges against any officer whom he believes to have been guilty of conduct justifying his removal or punishment, in the interest of public order. Within five (5) days after the filing of such charges, the Commissioner shall deliver a copy thereof, either personally or by registered mail, to the officer offending. Within five (5) days after the receipt thereof, such officer may demand public hearing, or may admit the truth of the charges in whole or in part. If said officer admits the truthfulness of said charges, it shall be the duty of the Commissioner to remove, suspend, reduce in rank or pay the officer so offending, in proportion to the seriousness of the charges.

In the event said charges are denied and the officer demands a hearing within the time above specified, he must make such demand known to the Commissioner in writing. After the demand for hearing has been so made, the Commissioner shall within twenty (20) days from the date thereof, arrange for a public hearing before a trial board to be con-

stituted in the manner hereinafter provided. The officer defendant shall be given not less than five (5) days notice of the time, place and hour of such hearing.

Upon the hearing, all charges shall be considered traversed and put in issue, and the trial shall be confined and limited to the issues so presented by the written charges. The trial board hearing said charges shall have the power to summon and compel the attendance of witnesses at all hearings or sittings, by subpoena issued by the Commissioner and served upon any witness by any sheriff or other person authorized by law to serve process. If any person fails to comply with any lawful order of the Department or with process, or if any witness refuses to testify concerning any matter in which he may lawfully be interrogated, any circuit court judge, upon application of the trial board, or the Commissioner, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the circuit court or a refusal to testify therein.

The officer defendant shall have the right to subpoena in his behalf any witness or witnesses he may desire, upon furnishing their names to the trial board or to the Commissioner. Such officer shall likewise have the right to appear in person and by counsel.

All such charges against the officer defendant, together with all proceedings before the trial board, shall be transcribed and reduced to writing and a permanent record kept thereof.

In any instance where the Commissioner has probable cause to believe that an officer has been guilty of conduct justifying his removal or punishment, he is authorized to immediately suspend such officer from duty, or from both pay and duty, pending trial, and such officer shall not be again placed on duty or allowed pay thereafter until a determination of the charges under this section.

The trial board, after hearing such charges, shall fix the punishment of any officer found guilty of any one or more charges, by reprimand or suspension for any length of time not to exceed six (6) months, or by reducing the grade if such

officer's classification warrants same, or by combining any two or more of said punishments, or by reducing the monthly salary of such officer by not more than 20 per cent for not more than six (6) months, or by removing or dismissing from the service of the Department any officer so found guilty.

For the purposes of hearing charges against any officer, as hereinabove set forth, there is hereby created what shall be known as a trial board; said board to consist of the Commissioner and of a panel of ten (10) commissioned officers of the Department to be appointed by the Commissioner. The Commissioner shall designate from such panel not less than three (3) nor more than seven (7) members thereof to hear charges against any officer, in the manner and under the procedure above set forth. The Commissioner is authorized to promulgate reasonable rules and regulations governing the procedure before said trial board, provided the same are not in conflict with the provisions of this section. Said panel or trial board shall be a continuing body, and the officers so designated shall serve thereon in addition to their other duties and without any increase in compensation, except they may be reimbursed for meals, lodging and traveling expenses incurred while in the performance of their official duties as members of the board. Any officer defendant may for cause challenge the right of any member, or members, of the board in the trial of any action against him, and if the remaining members of said board find that such challenge is justifiable, said member, or members, of the board shall be excused from hearing said charges, and another member, or members, substituted in lieu thereof.

No officer shall be entitled to a hearing as provided in this section, unless his suspension is for more than twenty (20) days, or his pay reduced more than 10 per cent; provided, if such officer receives more than one 20-day suspension or more than one 10 per cent decrease in pay within a period of one year, he shall have the right to such hearing in the manner above provided.

Any civilian employee may be discharged, suspended or reduced in pay at any time or times by the Commissioner, and

such civilian employees shall hold office at the pleasure of the Commissioner.

Any officer appointed to the Department shall be considered on probation for a period of one year from and after the date of his appointment, and during such period may be discharged or suspended or reduced in rank or pay, with or without cause, by said Commissioner. The rights herein conferred upon an officer for a hearing as provided in this section, shall not accrue until such officer has been employed by the Department for a period of one year or more.

Any officer of the Department who shall be found guilty by the trial board of any charge as herein provided shall have the right, within ten (10) days from the date of judgment of trial board, to appeal to the Franklin Circuit Court, provided the punishment be a suspension of more than twenty (20) days or his pay be reduced more than 10 per cent, or if he is reduced in grade, if his classification so warrants, or is removed or dismissed from the Department; provided, however, the enforcement of the judgment of the trial board upon said charges shall not be suspended during said appeal.

To perfect said appeal within the time specified, such officer shall file in the office of the Clerk of the Franklin Circuit Court a copy of the order, of all the evidence heard and of all the steps taken by the trial board relative to such charges, but shall first post a bond to secure the cost of the action in a lump sum to be approved by the Circuit Clerk, with corporate surety approved by the Division of Insurance as to solvency and responsibility and authorized to transact business in this State, or he may post a cash bond. The members of the trial board and the Commissioner shall be necessary parties to such appeal. The Circuit Clerk shall docket the case as though it were a petition in equity and shall immediately issue a summons for the appellee. The summons shall be returnable in the same manner as in equity cases. Service of summons upon the Commissioner or acting Commissioner shall be deemed service upon the board.

Such action shall be set down for trial as soon as possible, and the hearing thereof shall be expedited in the same manner as a declaratory judgment suit.

No new or additional evidence shall be introduced in the Franklin Circuit Court, except as to fraud or misconduct of some party engaged in the administration of this Act, or one who is a member of the trial board, but the court shall otherwise hear the case upon the record as attested by the board, and in all respects dispose of the appeal in a summary manner. Its review shall be limited to determining whether or not (a) the board acted without or in excess of its powers; (b) the order appealed from was procured by fraud; (c) if questions of fact are in issue, whether or not any substantial evidence supports the order appealed from. After such a hearing, the court shall enter a judgment sustaining or setting aside the order of the trial board appealed from. The cost of the action shall follow the judgment of the court.

Any party aggrieved by a judgment of the Franklin Circuit Court may appeal to the Court of Appeals in the same manner that appeals are taken under Section 639a-5 of the Civil Code of Practice.

No officer shall be suspended, reduced in rank or pay, or be discharged or dismissed, except as provided in this Act, and with the further exception that when insufficient funds require a reduction in expenditures, the officer or officers junior in point of service shall be first discharged.

Section 15. The Commissioner and all officers of the Department are hereby prohibited from taking part in any political campaign, or soliciting support through votes or money, for any candidate for nomination or for election or for appointment to any public office, and violation of the provisions hereof shall be sufficient cause for the removal of the Commissioner or officer. Provided, that nothing herein contained shall be deemed to interfere with the right of the Commissioner or any officer of the Department to vote for any candidate, or upon any issue, as his reason may dictate.

Section 16. All books, papers, maps, plans, records and equipment, including uniforms, arms, motor vehicles or other facilities, or property, in the possession or under the control of the Division of the State Highway Patrol or of any officer member or employee thereof, shall upon the effective date of

this Act be delivered and turned over to the Commissioner. The Director and all officers and employees of the State Highway Patrol, on the effective date of this Act, shall continue to perform their official duties upon the same terms and conditions and at the same pay as theretofore until removed, promoted, or appointed to other positions. For the purpose of this Act the Director and all officers of the State Highway Patrol shall be considered probationers, and for a period of one year from and after the effective date of this Act, may be discharged by the Commissioner with or without cause.

All pending proceedings and all investigations commenced by the State Highway Patrol or the Director or any member or officer thereof and not completed upon the effective date of this Act shall continue and remain in full force and effect, and such proceedings and investigations shall be conducted and continued in the name of the Kentucky State Police.

Whenever and wherever the term "State Highway Patrol" or "Highway Patrol," "Highway Patrolman," "Division of Highway Patrol," or "Highway Police" occurs in any law, or wherever in any law reference is made to the same, such term or reference shall be deemed to refer to and mean the Kentucky State Police. Whenever and wherever reference is made to the Dirctor of the Division of Highway Patrol, such term or reference shall be deemed to refer to and mean the Commissioner of the Kentucky State Police.

Section 17. Any and all unexpended or unencumbered balances of sums appropriated by the General Assembly of the Commonwealth of Kentucky at the 1948 regular session from the State Road Fund for the Division of Highway Patrol, Department of Highways, for the fiscal year beginning April 1, 1948, and ending March 31, 1949, and for the fiscal year beginning April 1, 1949 and ending March 31, 1950, are hereby transferred to and shall be used by the Department for such fiscal years, or parts thereof, for ordinary recurring expenses of operation and capital outlay. This transfer is provided for in the light of the fact that the major activities of the Department will be in the field of enforcement of traffic and motor vehicle laws.

In addition to the foregoing appropriation, there is hereby appropriated to the Department of Kentucky State Police out of the General Expenditure Fund for the fiscal year beginning July 1, 1948 and ending June 30, 1949, and for the fiscal year beginning July 1, 1949 and ending June 30, 1950 for ordinary recurring expenses of operation, the sum of one hundred fifty thousand dollars ($150,000.00) for each of such fiscal years.

Each of the appropriations hereinabove referred to shall be expended in accordance with the provisions of Chapters 12, 42 and 45 KRS.

Section 18. This Act shall become effective on July 1, 1948.

Section 19. The provisions of this Act are severable. If any provision, section, or paragraph hereof should be held unconstitutional or invalid, such decision regarding the provision, section or paragraph shall not affect or impair the remainder of the Act. It is hereby declared to be the legislative intent to enact such provision, section and paragraph hereof separate and specific. All laws in conflict herewith are hereby repealed.

All laws and parts of laws in conflict herewith are hereby repealed.

Subsection (2) of KRS 176.020 is amended by striking out the provision of said subsection with reference to a Division of Highway Patrol, so that said subsection, as amended, will read as follows:

The Department shall be divided into a Division of Construction, a Division of Records, a Division of Equipment, and a Division of Rural Highways. Each division shall perform the duties assigned to it by the Commissioner of Highways and shall be headed by a director who shall act under the direction and supervision of the Commissioner of Highways.

Mr. Hanratty moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

S. B. No. 92. An Act relating to bonds given in proceedings under Section 489 of the Civil Code of Practice.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Civil Code of Practice is created, to be numbered Section 489a and to read as follows:

Any bond provided for in Section 489 of the Civil Code shall remain in full force and effect until the guardian or committee has filed in the county court of the county of his appointment and qualification a settlement of his accounts showing payment to, or for the benefit of, his ward, of the funds secured by such bond, and until the settlement has been approved and confirmed by the county court. Upon production to the circuit court in which the bond was executed, of a certified copy of the settlement and of the order of the county court approving and confirming the same, the circuit court shall enter an order releasing the guardian or committee, and his sureties, from further liability under the bond.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. J. Holsclaw	F. L. Robinson
Jason Alford	Richard R. Houpt	Lilburn S. Rogers
Roy W. Arnold	Clyde S. Howard	Amos Runyan
Earl F. Ashcraft	D. W. Howard	Glenn Rushing
Sidney Baer	Ira W. Hulette	Mrs. Rutherford
Levi Baker	Laban P. Jackson	Dr. K. N. Salyer
Bernhardt Bauer	Kerby Jennings	James J. Shannon
C. E. Baumgardner	Paul S. Jonas	Paul E. Shannon
Fred Beshear	J. Ernest Jones	James S. Shaw
Isaac M. Blevins	L. H. Jones	Jesse H. Shelton
Chas. J. Bronston	Ercel Kozee	Harry Smith
Mrs. Mary Burnett	W. E. McClure	John M. Spaulding
Chas. W. Burnley	Ed Marcum	Chas. L. Spillman
A. H. Calvert	C. D. Moberly	G. W. Steinford
Paul Carter	Davis Moore	John M. Stumbo
George I. Cline	Fred H. Morgan	Albert Thomason
Robert Collins	E. C. Mullins	G. C. Thornton
Everett T. Cooper	Stanley Murphy	W. R. Tipton
Horace T. Cull	T. A. Noe, Jr.	Wilford S. Travis
B. G. Davidson	Joe E. Nunn	J. B. Veech
Owen Deering	H. S. Overby	W. J. Ward
G. I. Drury	H. C. Patterson	John C. Watts
Kermit Dwyer	J. H. Polsgrove	Morris Weintraub
Henry C. Hale	L. W. Preston	Rodney Whitlow
James P. Hanratty	E. F. Prichard	G. F. Williamson
Carson Hibbitts	Hobart Rayburn	Charles W. Wirsch
E. R. Hilton	Ottis Roberts	—80

Resolved that the title thereof be as aforesaid.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 308. An Act relating to expense of operating motor vehicle used by state officers, employee, or agent.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 44.060, Kentucky Revised Statutes, be and the same is hereby repealed and re-enacted so that when repealed and re-enacted it shall read as follows:

When any state officer, member of a state board or commission, or any subordinate officer, agent or employe thereof is authorized by law to and does incur, in the discharge of his official duties, any expense incident to traveling in his own motor vehicle, the amount allowed for such expense shall be fixed by the Commissioner of Finance not to exceed seven cents per mile over the nearest traveled route over which he has traveled, which sum shall include depreciation and investment charges incident to the operation of the motor vehicle.

Whereas Motor vehicles, accessories, repairs, gasoline and oil have increased in price and state officers, employes and agents whose duties require the use of their privately owned motor vehicles for Commonwealth business are incurring a financial loss, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Sidney Baer	C. E. Baumgardner
Jason Alford	Levi Baker	Fred Beshear
Earl F. Ashcraft	Bernhardt Bauer	Isaac M. Blevins

Chas. J. Bronston	Laban P. Jackson	Mrs. Rutherford
Mrs. Mary Burnett	Kerby Jennings	Dr. K. N. Salyer
Chas. W. Burnley	J. Ernest Jones	D. B. Saylor
A. H. Calvert	Ercel Kozee	LeRoy Saylor
Paul Carter	W. E. McClure	James J. Shannon
Earl W. Christian	F. G. Marquette	Paul E. Shannon
George I. Cline	C. D. Moberly	James S. Shaw
Robert Collins	Davis Moore	Jesse H. Shelton
Everett T. Cooper	Fred H. Morgan	Harry Smith
Horace T. Cull	E. C. Mullins	John M. Spaulding
B. G. Davidson	Stanley Murphy	Chas. L. Spillman
Owen Deering	T. A. Noe, Jr.	G. W. Steinford
G. I. Drury	Joe E. Nunn	John M. Stumbo
Kermit Dwyer	H. S. Overby	Albert Thomason
Henry C. Hale	H. C. Patterson	W. R. Tipton
N. M. Hamilton	H. M. Pewitt	Wilford S. Travis
James P. Hanratty	J. H. Polsgrove	J. B. Veech
Carson Hibbitts	L. W. Preston	W. J. Ward
E. R. Hilton	E. F. Prichard	John C. Watts
C. J. Holsclaw	Hobart Rayburn	Lawrence Watts
Richard R. Houpt	Ottis Roberts	Morris Weintraub
Clyde S. Howard	F. L. Robinson	Lynn Boyd Wells
D. W. Howard	Lilburn S. Rogers	Rodney Whitlow
M. G. Howard	Amos Runyan	G. F. Williamson
Ira W. Hulette	Glenn Rushing	Charles W. Wirsch

—84

Resolved that the title thereof be as aforesaid.

Mr. John C. Watts moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Steinford moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to by a majority of the members elected.

Thereupon bills of the following titles were introduced, viz.:

By Messrs. Steinford and McClure.

H. B. No. 387. An Act relating to the fees of sheriffs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.090 of the Kentucky Revised Statutes is amended to read as follows:

Sheriffs may charge and collect for the following services the following fees:

Executing and returning process $1.20
Serving an order of court and return 1.00
Summoning each witness ..... .50
Summoning an appraiser or receiver ..... .80
Each day's attendance in the county on a jury or attending a surveyor, when ordered by a court 2.00
Taking any bond that he is authorized or required to take in any action 1.00

Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, 6% on the first $300 and 3% on the residue; when he levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case.

Taking a recognizance of a witness ..... .50
Levying an attachment 1.20

When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court.

Summoning a garnishee 1.00

Summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail, to be paid by the party convicted 4.00

Serving process or arresting the party in misdemeanor cases, to be paid by the party convicted 4.00

Serving an order or process of revivor 1.00

Executing a writ of possession against each tenant or defendant 3.00

Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission.

Summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses 6.00

Collecting militia fines and fee-bills, 10%, to be deducted out of the fee-bill or fine.

Levying for a fee-bill 1.00

Serving a notice ..... .50

Serving warrants or process of arrest in bastardy cases 4.00

Serving each order appointing surveyors of roads, to be paid out of the county levy 1.00

Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant 1.00

Like services in cases of private passways, to be paid by the applicant 1.00

Services rendered in cases in the quarterly courts, the same fees given to constables in all cases where the amount claimed is $50 or under.

Executing each writ of habeas corpus, to be paid by the petitioner 2.00

All services under a writ issued under KRS 381.460 to 381.570 ..... 8.00

Attending by himself or deputy the regular terms of the county courts, a reasonable allowance per

day, to be allowed by the county judge and paid out of the county levy, not exceeding 4.00

Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the State Treasury, for each day 4.00

Performing the duties of jailer, the same fees and allowance that are prescribed for jailers.

By Mr. McClure.

H. B. No. 388. An Act to repeal Subsection 4, Kentucky Revised Statutes, 387.160. 1942 edition, relating to execution of a bond by the guardian to the ward in the circuit court before approval of an oil and gas lease.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That subsection 4, Kentucky Revised Statutes, section 387.160, 1942 edition, be and the same is hereby repealed.

H. B. No. 389. An Act to repeal and re-enact Section 28.460, Kentucky Revised Statutes, 1942 Edition, relating to fees of reporters of circuit courts, other than courts of continuous session and fixing compensation for said services.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 28.460, Kentucky Revised Statutes, 1942 edition, be and the same is hereby repealed and reenacted so that as reenacted it will read as follows:

The fees of reporters of circuit courts, other than courts of continuous session, shall be the sum of $2,400.00 per year, payable monthly, for taking short hand notes in both criminal and civil cases, which said sum shall be paid, ½ by the Commonwealth of Kentucky and ½ by the counties embraced with-

in the judicial district for which said reporter is appointed. Said counties embraced within said district shall pay their said ½ proportionally based on the assessed value of each county and the proportional part of the salary due from each county shall be allowed and paid by the fiscal court of each of said counties.

2. In criminal cases the fees for making an original transcript of the evidence in any proceeding shall be paid, upon the order of the presiding judge of the county in which the court is situated, if the transcript is ordered for the use of the Commonwealth's attorney. If the transcript is ordered upon motion of the defendant, he shall pay for it if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the transcript, the court shall direct the same to be paid by the county.

3. In civil cases the fees shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as a part of the action. The reporter shall not be required to file a transcript in any civil case without payment thereof by the party in whose behalf it is ordered.

4. For duplicate copies of transcripts of reporters of circuit courts, other than courts of continuous session, shall be allowed ½ the amount they are allowed for the original, to be paid for in the same manner as the original.

5. The fees herein provided for making original transcripts and copies shall be in addition to the salary of the reporter herein provided for.

Ordered that said bills be printed and referred.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

S. B. No. 125. An Act transferring balances of funds of toll free bridges to Sinking Fund of the Rockport Toll Bridge.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Commissioner of Highways, Commissioner of Finance and the State Treasurer are hereby authorized and directed to transfer to the Highway Bridge Bond Sinking Fund Account of the Rockport Toll Bridge the balances in the Highway Bridge Bond Sinking Fund Accounts of the following projects which have become toll free and on which the outstanding bonds have been paid or called for payment:

Project Number 13	Milton-Madison Bridge
Project Number 16	Livermore Bridge

Such balances hereby authorized and directed to be transferred shall be used for the payment and retirement of the Revenue Bonds of the Commonwealth of Kentucky outstanding against the bridge project to which transferred.

Any outstanding ticket coupons on the named projects heretofore freed and on which balances are transferred hereby shall be redeemed from the State Road Fund.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Sidney Baer	C. E. Baumgardner
Roy W. Arnold	Levi Baker	Fred Beshear
Earl F. Ashcraft	Bernhardt Bauer	Isaac M. Blevins

Chas. J. Bronston	Paul S. Jonas	Dr. K. N. Salyer
Mrs. Mary Burnett	L. H. Jones	D. B. Saylor
Chas. W. Burnley	Ercel Kozee	LeRoy Saylor
A. H. Calvert	Harry K. Lowman	James J. Shannon
Paul Carter	W. E. McClure	Paul E. Shannon
Earl W. Christian	F. G. Marquette	James S. Shaw
George I. Cline	C. D. Moberly	Jesse H. Shelton
Robert Collins	Davis Moore	Harry Smith
Everett T. Cooper	Walter Moorman	John M. Spaulding
Horace T. Cull	Fred H. Morgan	Chas. L. Spillman
B. G. Davidson	E. C. Mullins	G. W. Steinford
Owen Deering	Stanley Murphy	John M. Stumbo
G. I. Drury	T. A. Noe, Jr.	Albert Thomason
Kermit Dwyer	Joe E. Nunn	G. C. Thornton
Otto W. Goff	H. S. Overby	W. R. Tipton
Henry C. Hale	H. M. Pewitt	Wilford S. Travis
N. M. Hamilton	J. H. Polsgrove	J. B. Veech
James P. Hanratty	L. W. Preston	W. J. Ward
C. J. Holsclaw	E. F. Prichard	John C. Watts
Richard R. Houpt	Hobart Rayburn	Lawrence Watts
Clyde S. Howard	Ottis Roberts	Morris Weintraub
D. W. Howard	F. L. Robinson	Lynn Boyd Wells
Ira W. Hulette	Amos Runyan	Rodney Whitlow
Laban P. Jackson	Glenn Rushing	G. F. Williamson
Kerby Jennings	Mrs. Rutherford	Charles W. Wirsch

—84

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 254. An Act making provision for the payment, out of the State Treasury, of the actual and necessary expenses incurred by judges of the circuit courts and judges and commissioners of the Court of Appeals in the performance of their official duties, or in certain instances, for the

payment of a sum deemed to be the equivalent of such expenses, and imposing a tax on civil suits to further the purposes of the Act.

With Committee amendment thereto by way of substitute therefor.

Said bill is as follows, viz.:

Whereas, the judges of the circuit courts and the judges and commissioners of the Court of Appeals of Kentucky have, at all times received an annual salary as compensation for their official services, as contemplated by Sections 112 and 133 of the Constitution, but have never been reimbursed for the actual and necessary expenses incurred by them in the performance of their duties; and

Whereas, the judges of the circuit courts, in those judicial districts composed of more than one county, are compelled, in the performance of their duties, to travel frequently from the county of their residence to the other counties in their district, and to remain in such other counties during the period court is being held therein, and thus are subject to expenses for travel, food and lodging, which expenses are a proper obligation of the State; and

Whereas, the judges of the circuit courts in all districts are subjected to expenses, in the performance of their duties, for postage, telephone service, supplies, stationery, stenographic assistance, law clerk hire, and books and periodicals, which expenses are a proper obligation of the State, and the General Assembly finds it to be a fact that the amount required to meet such expenses will in no event be less than $150 per month for each judge; and

Whereas, in early times, the work of the Court of Appeals was not of such volume as to require the constant attendance of the members of the Court at the seat of government, or to require more than infrequent sessions of the Court at the seat of government, with the result that the expenses incurred by the judges and commissioners in performing their official services were not of sufficient magnitude to warrant

consideration of their reimbursement out of the State Treasury, and the judges and commissioners, being public spirited men and therefore willing to assume personally the small burden of such expenses, never made a request of the General Assembly for their reimbursement; but

Whereas, in recent years, the volume of litigation has so increased and multiplied as to demand the continuous attendance of the judges and commissioners of the Court of Appeals at the seat of government, and to demand daily conferences of the judges and commissioners, and semi-weekly sessions of the court, with the result that the expenses of being in attendance at the seat of government have become so burdensome as to require that the State recognize its responsibility in the matter; and

Whereas, the judges of the Court of Appeals, in order to be eligible for the office, are required under the Constitution to maintain their residence in the district from which they were elected, and the commissioners of the Court of Appeals are required by law to possess the same qualifications as judges of the court, and therefore the judges and commissioners, when required to be absent from the district of their residence in the performance of their official services, are subjected to expenses for travel, food and lodging which are directly attributable to and arise out of the performance of their duties;

Now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each circuit court judge whose judicial district is composed of more than one county shall be paid, out of the State Treasury, the actual and necessary expenses incurred by him for travel, food and lodging when attending court or performing a judicial function of his office in a county of his district other than the county in which he maintains his legal residence. Payment shall be made upon the submission of expense statements under oath of the judge submitting same. Said payment shall be made out of the General Fund.

Section 2. Each circuit court judge of the State shall be paid out of the State Treasury, each month, the sum of $150, which sum is hereby declared to be the equivalent of the minimum sum that each judge will expend each month, in the performance of his official duties, for postage, telephone service, supplies, stationery, steographic assistance, law clerk hire, and books and periodicals. The Commissioner of Finance shall, on the first of each month, draw his warrant on the Treasurer in favor of each circuit court judge, for the sum above stated, and the same shall be paid out of the General Fund. The sums so received shall be expended by each circuit court judge in his discretion, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by the judge.

Section 3. Each judge and commissioner of the Court of Appeals who continues, during his term of office, to actually reside at his place of legal residence in the district from which he was elected or appointed, shall be paid, out of the State Treasury, his actual and necessary travelling expenses in going to and returning from the State Capital, and his actual and necessary food and lodging expenses for each day that he remains at the State Capital in the performance of his official duties. Payment shall be made upon the submission of expense statements under oath of the judge or commissioner submitting same. Said payment shall be made out of the General Fund.

Section 4. In the event any judge or commissioner of the Court of Appeals, in order to avoid the expense, delay and inconvenience of frequent travel to and from the place of his legal residence to the State Capital, shall establish a temporary place of abode in the State Capital, or in a place convenient thereto, he shall be paid out of the State Treasury, each month, the sum of $150, which is hereby declared to be the reasonable equivalent of the travel, food and lodging expenses which such judge would incur, in the performance of his official duties, if compelled to travel to and from the place of his legal residence. When a judge or commissioner has established a temporary place of abode at the State Capital, or a place convenient thereto, he shall certify that fact to the

Commissioner of Finance, and payment of the monthly allowance shall then commence and shall thereafter continue so long as the judge or commissioner remains in office and continues to maintain an actual place of abode in the State Capital or a place convenient thereto. Said payment shall be made out of the General Fund.

Section 5. In order to provide additional revenue for the General Fund, the better to enable the Department of Finance and the Department of the Treasury to carry out the provisions of this Act, a tax of Five Dollars ($5.00) hereby is levied on each original action in the circuit court commencing with or without original process; on each original action in other courts when the amount in controversy, exclusive of interest and costs, exceeds Fifty Dollars ($50.00); on each appeal to the Appellate, circuit, or quarterly court; on each traverse of forcible entry or detainer; and on each proceeding to reverse a judgment.

Section 6. KRS 142.010 (h) is hereby expressly repealed.

Section 7. This Act shall be liberally construed, and the legislative intent is hereby expressed that if any clause, phrase, provision, or section of this Act, whether appearing in the Act as written or as developing in the operations under said Act, is found to be invalid, said clause, phrase, provision, or section shall be deleted therefrom, and the legislative intent is hereby expressed that the balance of the Act shall remain in full force and effect.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act providing for the payment of certain expenses to the Judges and Commissioners of the Court of Appeals and the Circuit Judges of the Commonwealth, and imposing a tax on civil suits to further the purposes of the Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each Circuit Court Judge of the State shall be paid out of the State Treasury, each month, the sum of

$100.00, which sum is hereby declared to be the equivalent of the minimum sum that each Judge will expend each month, in the performance of his official duties, for postage, telephone service, supplies, stationery, stenographic assistance, law clerk hire, and books and periodicals. The Commissioner of Finance shall, on the first of each month, draw his warrant on the Treasurer in favor of each Circuit Court Judge, for the sum above stated, and the same shall be paid out of the General Fund. The sums so received shall be expended by each Circuit Court Judge in his discretion, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by the Judge.

Section 2. Each Judge and Commissioner of the Court of Appeals who continues, during his term of office, to actually reside at his place of legal residence in the district from which he was elected or appointed, shall be paid, out of the State Treasury, his actual and necessary traveling expenses in going to and returning from the State Capital, and his actual and necessary food and lodging expenses for each day that he remains at the State Capital in the performance of his official duties. Payment shall be made upon the submission of expense statements under oath of the Judge or Commissioner submitting same. Said payment shall be made out of the General Fund.

Section 3. In the event any Judge or Commissioner of the Court of Appeals, in order to facilitate the work of the Court, and to avoid the expense, delay and inconvenience of frequent travel to and from the place of his legal residence to the State Capital, shall establish a temporary place of abode in the State Capital, or in a place convenient thereto, he shall be paid out of the State Treasury, each month, the sum of $150.00, which is hereby declared to be the reasonable equivalent of the travel, food and lodging expenses which such Judge would incur, in the performance of his official duties, if compelled to travel to and from the place of his legal residence. When a Judge or Commissioner has established a temporary place of abode at the State Capital, or a place convenient thereto, he shall certify that fact to the Commissioner of Finance, and payment of the monthly allowance shall then com-

mence and shall thereafter continue so long as the Judge or Commissioner remains in office and continues to maintain an actual place of abode in the State Capital or a place convenient thereto. Said payment shall be made out of the General Fund.

Section 4. To provide the revenue necessary to carry out the provisions of this Act, a tax of Three Dollars ($3.00) hereby is levied on each original action in the Circuit Court, commencing with or without original process; on each original action in other courts when the amount in controversy, exclusive of interest and costs, exceeds Fifty Dollars ($50.00); on each appeal to the Circuit or Quarterly Court; on each traverse of forcible entry or detainer; and on each proceeding in a court other than the Court of Appeals to reverse a judgment. A tax of Five Dollars ($5.00) hereby is levied on each appeal to the Court of Appeals. The funds raised by the aforesaid taxes shall be paid into the Department of the Treasury, and shall be covered into a revolving fund which shall be disbursed for no purpose other than those provided in this Act. Any sum unexpended from said fund in any year shall remain in said fund, and may be expended under the provisions of this Act in any succeeding year.

Section 5. Subsections (d) and (h) of KRS 142.010 hereby expressly are repealed.

Section 6. Whereas, present economic conditions are such as to impose an unconscionable burden upon the Judiciary of the Commonwealth, and to create a threat to the expeditious and impartial administration of justice, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Cline moved that the House do now adopt said Committee amendment to said bill by way of substitute therefor.

Said motion was agreed to.

And thereupon said Committee amendment to said bill by way of substitute therefor was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	E. F. Prichard
Sidney Baer	C. J. Holsclaw	Hobart Rayburn
Levi Baker	Richard R. Houpt	Ottis Roberts
Bernhardt Bauer	Clyde S. Howard	F. L. Robinson
C. E. Baumgardner	M. G. Howard	Lilburn S. Rogers
Fred Beshear	Ira W. Hulette	Amos Runyan
Isaac M. Blevins	Laban P. Jackson	Glenn Rushing
Chas. J. Bronston	Paul S. Jonas	Mrs. Rutherford
Mrs. Mary Burnett	J. Ernest Jones	James J. Shannon
Chas. W. Burnley	L. H. Jones	Paul E. Shannon
A. H. Calvert	Ercel Kozee	James S. Shaw
Paul Carter	Harry K. Lowman	Jesse H. Shelton
Earl W. Christian	W. E. McClure	John M. Spaulding
George I. Cline	Ed Marcum	G. W. Steinford
Everett T. Cooper	C. D. Moberly	John M. Stumbo
Perry M. Cross	Davis Moore	Albert Thomason
Horace T. Cull	Walter Moorman	W. R. Tipton
B. G. Davidson	Fred H. Morgan	Wilford S. Travis
Owen Deering	E. C. Mullins	John C. Watts
G. I. Drury	Stanley Murphy	Morris Weintraub
Kermit Dwyer	T. A. Noe, Jr.	Lynn Boyd Wells
Otto W. Goff	Joe E. Nunn	Rodney Whitlow
N. M. Hamilton	H. M. Pewitt	G. F. Williamson
James P. Hanratty	L. W. Preston	Charles W. Wirsch
Carson Hibbitts		

—73

Those who voted in the negative were—

Jason Alford	F. G. Marquette	LeRoy Saylor
Roy W. Arnold	H. S. Overby	Harry Smith
Earl F. Ashcraft	D. B. Saylor	W. J. Ward
Kerby Jennings		

—10

Mr. Cline moved that the title of said Committee amendment to said bill by way of substitute therefor be the title of said bill.

Said motion was agreed to.

Mr. Cline moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Speaker announced that he had referred a bill heretofore introduced as follows, viz.:

House Bill No. 371—To the Committee on Kentucky Statutes No. 1.

The Speaker announced the following as members of a committee to meet with a like committee of the Senate to arrange for a Return Dance to the Assembly Ball Club, viz.:

Roy W. Arnold
James H. Polsgrove
Mrs. S. B. Rutherford

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 227. An Act relating to instruction in cooperative marketing and consumers' cooperatives.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Every high school and vocational school shall prescribe adequate and essential instruction in cooperative marketing and consumers' cooperatives.

(2) The governing boards of the university, state teachers' colleges and county normal schools shall provide in their respective institutions adequate and essential instruction in cooperative marketing and consumers' cooperatives.

(3) The state superintendent of public instruction and the dean of the college of agriculture at the state university shall cooperate in the preparation of outlines to be used by teachers in the courses offered under section (1) and (2) and they shall have power to request the assistance of any teacher or professor in any of the schools of the state in the preparation of such material. They may also make a recommended list of material now in pamphlets or books for guidance of teachers of these courses.

(4) In granting certificates for the teaching of courses in economics, the social studies and agriculture, adequate instruction in cooperative marketing and consumers' cooperatives shall be required.

Mr. Whitlow moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

S. B. No. 64. An Act providing for the appointment of an acting city manager in cities of the Second class organized under the city manager form of government.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Board of Commissioners of any city of the second class organized under the city manager form of government may by ordinance appoint a suitable person who shall, at any time when the city manager is absent from the city or becomes disabled, act as city manager, and the ordinance shall also fix the amount of his compensation or provide that he shall serve without compensation. The acting city manager while serving shall perform the same duties and shall be vested with all of the powers of the city manager. In the event of the death or resignation of the city manager, the acting city manager shall serve until the position is filled. An acting city manager shall not acquire any right or privilege under rules of civil service governing employees of the city.

The acting city manager shall serve at the pleasure of the board of commissioners, and may be removed at any time by a majority of the board members.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Bernhardt Bauer	Mrs. Mary Burnett
Jason Alford	C. E. Baumgardner	Chas. W. Burnley
Earl F. Ashcraft	Fred Beshear	A. H. Calvert
Sidney Baer	Isaac M. Blevins	Paul Carter
Levi Baker	Chas. J. Bronston	Earl W. Christian

George I. Cline	Ercel Kozee	Glenn Rushing
Everett T. Cooper	Harry K. Lowman	Dr. K. N. Salyer
Perry M. Cross	W. E. McClure	James J. Shannon
Owen Deering	Ed Marcum	Paul E. Shannon
G. I. Drury	F. G. Marquette	James S. Shaw
Otto W. Goff	C. D. Moberly	Jesse H. Shelton
N. M. Hamilton	Davis Moore	Harry Smith
James P. Hanratty	Fred H. Morgan	John M. Spaulding
E. R. Hilton	E. C. Mullins	G. W. Steinford
C. J. Holsclaw	Stanley Murphy	Albert Thomason
Richard R. Houpt	T. A. Noe, Jr.	Wilford S. Travis
Clyde S. Howard	H. M. Pewitt	J. B. Veech
D. W. Howard	J. H. Polsgrove	W. J. Ward
M. G. Howard	E. F. Prichard	John C. Watts
Ira W. Hulette	Ottis Roberts	Morris Weintraub
Kerby Jennings	F. L. Robinson	Lynn Boyd Wells
Paul S. Jonas	Lilburn S. Rogers	Rodney Whitlow
L. H. Jones	Amos Runyan	Charles W. Wirsch

—69

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 244. An Act to amend Section 69.105 of Kentucky Revised Statutes pertaining to stenographer to Commonwealth's attorneys in counties containing cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 69.105 of Kentucky Revised Statutes be amended so that when amended it shall read as follows:

In counties containing a city of the second class, the Commonwealth's attorney may appoint a stenographer for a term of four years, subject to removal at any time by the Commonwealth's attorney. The stenographer shall do stenographic work for the Commonwealth's attorney and perform such other duties assigned to him by the Commonwealth's attorney, and shall have the same power of administering an oath as a notary public. The stenographer shall receive an annual salary of not less than fifteen hundred dollars, nor more than eighteen hundred dollars, to be paid by the fiscal court out of the county levy in equal monthly installments, except that in a county which constitutes a separate judicial district an annual salary of twelve hundred dollars to twenty-four hundred dollars shall be paid. In judicial districts which contain one or more other counties in addition to the county containing a city of the second class, each county shall pay a proportionate part of the salary of the stenographer, in proportion to the amount of work attributable to each county, the proportion being certified by the Commonwealth's attorney; and provided same is approved by the fiscal courts of such counties.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	M. G. Howard	Ottis Roberts
Jason Alford	Ira W. Hulette	F. L. Robinson
Earl F. Ashcraft	Laban P. Jackson	Lilburn S. Rogers
Sidney Baer	Kerby Jennings	Amos Runyan
Bernhardt Bauer	Paul S. Jonas	Glenn Rushing
C. E. Baumgardner	J. Ernest Jones	Mrs. Rutherford
Fred Beshear	L. H. Jones	Dr. K. N. Salyer
Isaac M. Blevins	Ercel Kozee	LeRoy Saylor
Chas. W. Burnley	Harry K. Lowman	James J. Shannon
A. H. Calvert	W. E. McClure	Paul E. Shannon
Paul Carter	F. G. Marquette	James S. Shaw
George I. Cline	C. D. Moberly	Jesse H. Shelton
Everett T. Cooper	Davis Moore	Harry Smith
Perry M. Cross	Walter Moorman	John M. Spaulding
Owen Deering	E. C. Mullins	G. W. Steinford
G. I. Drury	Stanley Murphy	John M. Stumbo
Otto W. Goff	T. A. Noe, Jr.	Albert Thomason
N. M. Hamilton	Joe E. Nunn	Wilford S. Travis
James P. Hanratty	H. S. Overby	W. J. Ward
Carson Hibbitts	H. M. Pewitt	John C. Watts
E. R. Hilton	J. H. Polsgrove	Morris Weintraub
C. J. Holsclaw	L. W. Preston	Lynn Boyd Wells
Richard R. Houpt	E. F. Prichard	Rodney Whitlow
Clyde S. Howard	Hobart Rayburn	Charles W. Wirsch
D. W. Howard		

—73

Resolved that the title thereof be as aforesaid.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 127. An Act relating to tuition charge for junior colleges in cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 165.230, Kentucky Revised Statutes, be repealed and re-enacted to read as follows:

The board of education of any city of the second class that establishes or acquires a municipal junior college pursuant to Kentucky Revised Statutes 165.210 may, for the purpose of supplementing the tax provided in Kentucky Revised Statutes 165.220, charge each pupil attending the college an annual tuition fee of not more than $200.00. The tuition fee shall be collected by the treasurer of the board of education and placed to the credit of the board of education college fund, and shall be used for maintaining and operating the college.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Mrs. Mary Burnett	Otto W. Goff
Jason Alford	Chas. W. Burnley	N. M. Hamilton
Earl F. Ashcraft	A. H. Calvert	Carson Hibbitts
Sidney Baer	George I. Cline	E. R. Hilton
Levi Baker	Everett T. Cooper	C. J. Holsclaw
Bernhard Bauer	Horace T. Cull	Richard R. Houpt
C. E. Baumgardner	B. G. Davidson	Clyde S. Howard
Fred Beshear	Owen Deering	D. W. Howard
Isaac M. Blevins	G. I. Drury	M. G. Howard
Chas. J. Bronston	Kermit Dwyer	Ira W. Hulette

Laban P. Jackson	Joe E. Nunn	James J. Shannon
Kerby Jennings	H. S. Overby	Paul E. Shannon
Paul S. Jonas	H. M. Pewitt	James S. Shaw
J. Ernest Jones	J. H. Polsgrove	Harry Smith
L. H. Jones	L. W. Preston	John M. Spaulding
Ercel Kozee	E. F. Prichard	G. W. Steinford
Harry K. Lowman	Hobart Rayburn	Albert Thomason
W. E. McClure	Ottis Roberts	W. R. Tipton
Ed Marcum	F. L. Robinson	Wilford S. Travis
F. G. Marquette	Lilburn S. Rogers	W. J. Ward
C. D. Moberly	Amos Runyan	John C. Watts
Davis Moore	Glenn Rushing	Lynn Boyd Wells
Fred H. Morgan	Mrs. Rutherford	G. F. Williamson
E. C. Mullins	Dr. K. N. Salyer	Charles W. Wirsch
T. A. Noe, Jr.	LeRoy Saylor	—73

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 292. An Act relating to elections, with particular relation to elections, both regular and primary, in cities under the commission form of government.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 89.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) In cities of the fourth class no person shall be elected to the office of mayor, police judge or commissioner without first having been nominated in the manner prescribed

by this section. On the seventh Saturday before the regular election day there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least forty-five days before the day for the primary election, file with the county clerk a petition signed by at least twenty voters, in the following form:

"We the undersigned, qualified voters of the city of ....., and residing each at the place indicated opposite his name, do hereby request that the name of ..... be placed on the ballot as that of an applicant for nomination for the office of ..... at the primary election to be held in our city on the seventh Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character; and he is, in our judgment, qualified for the duties of the office sought by him.

Name	Number	Street
.....	.....	.....
.....	.....	.....
.....	.....	.....

"

The petition shall be verified by the affidavit of some person as to the genuineness of the signatures and addresses of the signers. No voter shall sign more than one petition with reference to each office that is to be filled. If a person signs more than one petition of applicants for nomination for mayor or police judge, or signs the petitions of more than four applicants for nomination for commissioners, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing the petitions, the county clerk shall have published for three successive days in the official newspaper of the city, and in such other papers as he may designate, the names of the persons as they will appear upon the primary ballots, and shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature.

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are only two applicants for nomination for mayor or police judge, and only eight or less for commissioners. In that case such applicants shall thereupon be nominated and their names shall not be placed upon the primary ballot, and no primary election shall be held for nomination for those offices, but the county clerk shall have their names placed on the regular ballot for the general election.

(5) The names of the applicants for each nomination shall be placed on the ballots for the primary election in alphabetical order, with a square at the right of each name. Above the names of the applicants for nomination for mayor or police judge shall be printed the words "Vote for one," and above the names of the applicants for nomination for commissioners shall be printed the words "Vote for four." The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation.

(6) After the ballots are printed, the county clerk shall have delivered at each polling place a number of ballots equal to twice the number of votes cast in the polling precinct at the last preceding election for city councilmen. The persons who are qualified to vote at the regular municipal election shall be qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election shall be applicable to challenges made at the primary election.

(7) The two applicants receiving the highest number of votes for nomination for mayor and the two applicants receiving the highest number of votes for nomination for police judge shall be thereby nominated. The eight applicants receiving the highest number of votes for nomination for commissioners shall be thereby nominated.

(8) The expenses of the primary election shall be paid by the city.

§ 2. Section 89.070 of the Kentucky Revised Statutes is amended to read as follows:

At the regular election following the primary election, in cities of the fourth class, the names of the nominees shall be placed in alphabetical order upon ballots like those used at the primary election, except that the regular election ballots shall contain only the names of the successful nominees. The nominee receiving the greatest number of votes cast for mayor, the nominee receiving the greatest number of votes cast for police judge, and the four nominees receiving the greatest number of votes cast for commissioners, shall be elected, respectively, mayor, police judge and commissioners.

§ 3. Section 89.080 of the Kentucky Revised Statutes is repealed.

§ 4. Section 89.090 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class the mayor, police judge and city commissioners, and in cities of the third class the mayor, police judge, prosecuting attorney of the police court, and city commissioners, shall be nominated and elected in the manner provided by the general election laws and general primary laws for the nomination and election of state and county officers.

§ 5. Subsection (4) of Section 119.020 of the Kentucky Revised Statutes is amended to read as follows:

(4) This chapter does not apply to candidates for subdistrict school trustees, members of boards of education, members of the legislative bodies of cities of the fifth and sixth class, or presidential electors, nor to candidates for mayor, police judge or commissioners in cities of the fourth class operating under the commission form of government and in cities of the second, third or fourth class operating under the city manager form of government.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	H. M. Pewitt
Jason Alford	E. R. Hilton	Hobart Rayburn
Roy W. Arnold	C. J. Holsclaw	Ottis Roberts
Sidney Baer	Richard R. Houpt	F. L. Robinson
Levi Baker	Clyde S. Howard	Lilburn S. Rogers
Bernhardt Bauer	D. W. Howard	Amos Runyan
C. E. Baumgardner	M. G. Howard	Mrs. Rutherford
Fred Beshear	R. N. Hubbard	Dr. K. N. Salyer
Isaac M. Blevins	Ira W. Hulette	LeRoy Saylor
Chas. J. Bronston	Laban P. Jackson	James J. Shannon
Mrs. Mary Burnett	Kerby Jennings	Paul E. Shannon
Chas. W. Burnley	Paul S. Jonas	James S. Shaw
A. H. Calvert	J. Ernest Jones	Jesse H. Shelton
Paul Carter	L. H. Jones	Harry Smith
Earl W. Christian	Ercel Kozee	John M. Spaulding
George I. Cline	Harry K. Lowman	G. W. Steinford
Robert Collins	W. E. McClure	John M. Stumbo
Everett T. Cooper	Ed Marcum	Albert Thomason
Perry M. Cross	F. G. Marquette	G. C. Thornton
Horace T. Cull	E. H. Martin	W. R. Tipton
B. G. Davidson	C. D. Moberly	Wilford S. Travis
Owen Deering	Davis Moore	W. J. Ward
G. I. Drury	Fred H. Morgan	John C. Watts
Kermit Dwyer	E. C. Mullins	Morris Weintraub
Henry J. Giles	Stanley Murphy	Lynn Boyd Wells
Otto W. Goff	T. A. Noe, Jr.	Rodney Whitlow
N. M. Hamilton	Joe E. Nunn	G. F. Williamson
James P. Hanratty	H. C. Patterson	Charles W. Wirsch

—84

Resolved that the title thereof be as aforesaid.

Mr. Spaulding moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 276. An Act to repeal, amend and re-enact Section 95.580, Kentucky Revised Statutes, relating to the policemen's and firemen's pension funds in cities of the second and third class and fixing rate of tax and assessment and designating the source of said fund.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 95.580, Kentucky Revised Statutes, be repealed, amended and re-enacted so that the same shall read as follows:

(1) The policemen's and firemen's pension fund in cities of the second class shall consist of:

(a) The proceeds of an annual tax, which may be levied by the city legislative body, of not less than two cents nor more than eight cents on each one hundred dollars in value of taxable property.

(b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.

(c) Assessments, which the board of trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than four percent of his salary, to be withheld from the monthly salary and paid by the city treasurer into the pension fund.

(2) The policemen's and firemen's pension fund in cities of the third class shall consist of:

(a) The proceeds of an annual tax, which may be levied by the city legislative body, of not more than one cent on each one hundred dollars in value of taxable property.

(b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.

(c) Assessments, which the board of trustees of the pension fund may make, upon each member of the police and fire departments, of one percent of his salary, to be withheld from the monthly salary and paid by the city treasurer into the pension fund.

(3) Both the principal and interest of the pension fund shall be applicable to the payment of pensions in cities of the second and third classes.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Clyde S. Howard	F. L. Robinson
Jason Alford	D. W. Howard	Lilburn S. Rogers
Roy W. Arnold	M. G. Howard	Glenn Rushing
Earl F. Ashcraft	Ira W. Hulette	Dr. K. N. Salyer
Sidney Baer	Laban P. Jackson	LeRoy Saylor
Levi Baker	Paul S. Jonas	James J. Shannon
C. E. Baumgardner	J. Ernest Jones	Paul E. Shannon
Fred Beshear	Ercel Kozee	James S. Shaw
Isaac M. Blevins	Harry K. Lowman	Jesse H. Shelton
Chas. J. Bronston	F. G. Marquette	Harry Smith
A. H. Calvert	C. D. Moberly	John M. Spaulding
Earl W. Christian	Davis Moore	G. W. Steinford
George I. Cline	Fred H. Morgan	John M. Stumbo
Everett T. Cooper	E. C. Mullins	Albert Thomason
Owen Deering	Stanley Murphy	W. J. Ward
G. I. Drury	T. A. Noe, Jr.	John C. Watts
Otto W. Goff	H. S. Overby	Morris Weintraub
N. M. Hamilton	H. M. Pewitt	Lynn Boyd Wells
Carson Hibbitts	J. H. Polsgrove	Rodney Whitlow
E. R. Hilton	Hobart Rayburn	G. F. Williamson
C. J. Holsclaw	Ottis Roberts	Charles W. Wirsch
Richard R. Houpt		

—64

Those who voted in the negative were—

Mrs. Mary Burnett	W. E. McClure	Amos Runyan

—3

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Arnold moved that the House do now adjourn to meet again at 12 o'clock noon, Thursday, February 26, 1948.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 26, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend Wm. P. Wilhoyte, pastor of the Church of the Nazarene, of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Jason Alford	Richard R. Houpt	Ottis Roberts
Roy W. Arnold	Clyde S. Howard	Lilburn S. Rogers
Earl F. Ashcraft	D. W. Howard	Amos Runyan
Sidney Baer	M. G. Howard	Glenn Rushing
Levi Baker	Robt. N. Hubbard	Mrs. Rutherford
Bernhardt Bauer	Ira W. Hulette	Dr. K. N. Salyer
C. E. Baumgardner	Laban P. Jackson	D. B. Saylor
Fred Beshear	Kerby Jennings	LeRoy Saylor
Isaac M. Blevins	Paul S. Jonas	James J. Shannon
Chas. J. Bronston	J. Ernest Jones	Paul E. Shannon
Mrs. Mary Burnett	L. H. Jones	James S. Shaw
Chas W. Burnley	Ercel Kozee	Jesse H. Shelton
A. H. Calvert	Harry K. Lowman	Harry Smith
Paul Carter	W. E. McClure	John M. Spaulding
Earl W. Christian	Ed Marcum	Chas. L. Spillman
George I. Cline	F. G. Marquette	G. W. Steinford
Robert Collins	C. D. Moberly	John M. Stumbo
Everett T. Cooper	Davis Moore	Albert Thomason
Perry M. Cross	Walter Moorman	G. C. Thornton
Horace T. Cull	Fred H. Morgan	W. R. Tipton
B. G. Davidson	E. C. Mullins	Wilford S. Travis
Owen Deering	Stanley Murphy	J. B. Veech
G. I. Drury	T. A. Noe, Jr.	W. J. Ward
Kermit Dwyer	Joe E. Nunn	John C. Watts
Otto W. Goff	H. S. Overby	Lawrence Watts
Henry C. Hale	H. C. Patterson	Morris Weintraub
James P. Hanratty	H. M. Pewitt	Lynn Boyd Wells
Dennis Henderson	J. H. Polsgrove	Rodney Whitlow
Carson Hibbitts	L. W. Preston	G. F. Williamson
E. R. Hilton	E. F. Prichard	Charles W. Wirsch
C. J. Holsclaw	Hobart Rayburn	

Dr. Salyer moved that the reading of the Journal of the House of the proceedings of Wednesday, February 25, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

Mrs. Burnett moved that a resolution of the following title, viz.:

S. Res. No. 5. A Resolution providing for the payment of the per diem of the late J. L. Linton.

Which was reported by the Committee on Appropriations on February 17, 1948, with the expression of opinion that said resolution should not pass,

Be recommitted.

Without objection, said motion was agreed to and said resolution was recommitted

To the Committee on Appropriations.

Mr. Stumbo moved that a resolution of the following title, viz.:

H. Res. No. 24. A Joint Resolution declaring the post of Poet Laureate of Kentucky vacant and naming a successor to such post.

Be taken from the Orders of the Day and recommitted.

Without objection, said motion was agreed to and said resolution was recommitted

To the Committee on Memorials and Resolutions.

Mr. Whitlow moved that a bill of the following title, viz.:

H. B. No. 178. An Act relating to the election of a County School Superintendent in various counties of Kentucky

and repealing so much of Section 160.350, Kentucky Revised Statutes as may be inconsistent herewith.

Be taken from the hands of the Committee on Education No. 1 and advanced to a reading.

Mr. Durham Howard moved that said motion be laid on the table.

The yeas and nays being required thereon were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Otto W. Goff	Stanley Murphy
Fred Beshear	E. R. Hilton	Hobart Rayburn
Isaac M. Blevins	D. W. Howard	Amos Runyan
Chas. J. Bronston	J. Ernest Jones	Mrs. Rutherford
Chas. W. Burnley	Ercel Kozee	Jesse H. Shelton
A. H. Calvert	F. G. Marquette	G. C. Thornton
Horace T. Cull	C. D. Moberly	J. B. Veech
Kermit Dwyer		

—22

Those who voted in the negative were—

Alford Jason	L. H. Jones	James J. Shannon
Earl F. Ashcraft	W. E. McClure	Harry Smith
Earl W. Christian	E. C. Mullins	John M. Spaulding
George I. Cline	T. A. Noe, Jr.	G. W. Steinford
Perry M. Cross	Joe E. Nunn	John M. Stumbo
B. G. Davidson	H. S. Overby	W. R. Tipton
Henry C. Hale	H. C. Patterson	Wilford S. Travis
M. G. Howard	H. M. Pewitt	W. J. Ward
R. N. Hubbard	Ottis Roberts	Morris Weintraub
Laban P. Jackson	Lilburn S. Rogers	Lynn Boyd Wells
Kerby Jennings	D. B. Saylor	Rodney Whitlow
Paul S. Jonas	LeRoy Saylor	Charles W. Wirsch

—36

Thereupon said motion as made by Mr. Durham Howard was disagreed to.

The yeas and nays being required on the motion as made by Mr. Whitlow were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Laban P. Jackson	Harry Smith
Earl F. Ashcraft	Kerby Jennings	John M. Stumbo
Isaac M. Blevins	L. H. Jones	W. R. Tipton
Earl W. Christian	E. C. Mullins	Wilford S. Travis
Everett T. Cooper	T. A. Noe, Jr.	W. J. Ward
Perry M. Cross	Joe E. Nunn	Morris Weintraub
Owen Deering	H. C. Patterson	Lynn Boyd Wells
Henry C. Hale	Ottis Roberts	Rodney Whitlow
Dennis Henderson	D. B. Saylor	Charles W. Wirsch
M. G. Howard	LeRoy Saylor	—29

Those who voted in the negative were—

Chas. W. Burnley	Ira W. Hulette	Lilburn S. Rogers
A. H. Calvert	J. Ernest Jones	Amos Runyan
Otto W. Goff	Ercel Kozee	James J. Shannon
E. R. Hilton	W. E. McClure	Jesse H. Shelton
D. W. Howard	F. G. Marquette	John M. Spaulding
R. N. Hubbard	L. W. Preston	G. C. Thornton
		—18

Thereupon said motion as made by Mr. Whitlow was disagreed to, having failed to receive the vote of the majority of the members elected.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz.:

By Mrs. Burnett.

H. B. No. 390. An Act relating to the use of narcotic drugs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sub-section (1) of Section 218.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who habitually uses narcotic drugs or who is an habitual user of narcotic drugs, as defined in KRS

218.010, shall be imprisoned in the workhouse or county jail for not more than twelve months.

By Mr. Travis.

H. B. No. 391. An Act relating to game and fish, providing for the procuring of licenses for the hiring of boats, and providing for the condemnation of unsafe boats with penalties for the renting of unsafe boats.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A new Section of the Kentucky Revised Statutes to be known as KRS 150.600 is hereby created to read as follows:

(1) No person shall rent any boat to any other person to be used in angling without having secured a license therefor.

(2) Any person having ten or less boats for hire shall pay a license fee of one dollar per boat per year. Any person having more than ten boats for hire shall pay a license fee of one dollar per boat for each of ten boats and a license fee of two dollars per year for each boat in excess of ten.

(3) All general provisions of Chapter 150 of the Kentucky Revised Statutes shall apply to subsection (1) and (2) of this statute and to KRS 150.610.

§ 2. A new Section of the Kentucky Revised Statutes to be known as KRS 150.610 is hereby created and shall read as follows:

(1) Conservation Officers shall inspect the boats of any persons maintaining boats for hire to be used in angling. If any boat is deemed unsafe for use in the water by the conservation officer he shall order the boat condemned and such boat shall not be let to any person unless the boat is repaired and such repair approved by the conservation officer.

(2) Any person who violates any provision of subsection (1) of this statute shall be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned for not more than six months or both.

By Mr. Roberts.

H. B. No. 392. An Act relating to the operation of motor vehicles while under the influence of intoxicating liquors or narcatic drugs, with particular reference to violations and the imposition of penalties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who violates subsection (2) of KRS 186.620 shall be confined in the penitentiary for not less than one year nor more than three years.

§ 2. Section 189.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person under the influence of intoxicating liquors or narcotic drugs shall operate a vehicle that is not a motor vehicle upon a highway.

(2) No person shall operate a motor vehicle on a highway while under the influence of intoxicating liquors or narcotic drugs.

(3) No peace officer or Highway Patrolman shall fail to enforce rigidly this section.

(4) No charge of violation of this section made by a peace officer or Highway Patrolman, shall be suspended or amended, or reduced to a lesser offense.

§ 3. Subsection (10) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, not less than one hundred nor more than five hundred dollars, and be imprisoned in jail for not less than ten days nor more than

thirty days, and for each subsequent offense he shall be fined not less than one hundred nor more than five hundred dollars and be imprisoned in jail for not more than six months.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than twenty-five nor more than one hundred dollars.

By Messrs. Stumbo and Kozee.

H. B. No. 393. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions.

(1) "Department" shall mean the Department of Revenue.

(2) "Soft drink syrup" shall mean the compound mixture or basic ingredient used in the making, mixing or compounding of soft drinks at soda fountains by the mixing with same of carbonated or plain water, ice, fruit, milk and/or any other product suitable to make a complete soft drink, among such syrups being such products as coca-cola syrup, chero-cola syrup, lemon syrup, vanilla syrup, chocolate syrup, cherry smash syrup, rock candy syrup, simple syrup, nu-grape syrup, Dr. Pepper syrup, and/or all prepared syrup sold for the purpose of mixing soft drinks at soda fountains. Simple syrup is further defined to mean any syrup made, mixed, compounded, or manufactured by dissolving sugar or water, or any other mixture, which will create what is commonly referred to as "simple syrup", practically and commercially usable in mixing non-bottled soft drinks or in bottling soft drinks. The provisions of this Act shall apply only to syrups used at soda fountains and not to syrups used by bottlers in the manufacture of bottled soft drinks; Provided, That the Department may promulgate rules and regulations to permit syrup which is to be used for purposes other than making soft drinks to be stored in places where soft drinks are sold at retail.

(3) "Bottled soft drinks" shall include any and all beverages, whether carbonated or not, such as soda water, ginger ale, nu-grape, coca-cola, lime-cola, pepsi-cola, Dr. Pepper, root beer, near beer, fruit juices, milk drinks when any flavoring or syrup is added, bottled carbonated water, or any and all preparations commonly referred to as soft drinks of whatsoever kind and description which are closed or sealed in glass, metal, paper or any other type of bottle or container. Soft drinks are further defined to include any and all beverages commonly referred to as soft drinks which are manufactured with or without the use of any syrup. Provided, That the provisions of this Act shall not apply to unfermented pure fruit and vegetable juices, with or without added sugar, but the provisions of this Act shall apply to any fruit or vegetable juice, with or without added sugar, to which is added any artificial coloring or any artificial flavoring or to which is added any preservative or carbonic gas. Provided, further: That all milk drinks produced by farmers or dairies and sold in milk bottles shall be exempt from the payment of any soft drink tax provided by this Act.

(4) "Stamp" shall mean the impression, device, stamp, label or seal manufactured or printed as prescribed by the department, by use of which the tax levied hereunder is paid.

(5) "Crown" shall mean the crown or crowns by the use of which the tax levied hereunder is paid if so authorized by the department.

(6) "Retail selling price" shall mean the ordinary, customary or usual price paid by the consumer for each taxable article sold at retail before the tax levied by this Act has been paid.

(7) "Person" shall mean an individual or an unincorporated association, including a partnership, limited partnership, or any other form of unincorporated enterprise, owned by two or more individuals, or a corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person", as applied to a partnership, limited partnership, or any other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations the officers thereof.

Section 2. Soft Drink Tax—Every person doing domestic or intrastate business within this state and engaging in the business of selling, manufacturing, bottling, importing, purchasing, consigning, using, shipping, or distributing, for the purpose of sale within this state, any bottled soft drink, fountain drink or other beverage commonly designated as "soft drinks", for the privilege of carrying on such business shall be subject to the payment of a license tax, which tax shall be measured by and graduated in accordance with the sales of such person within the State of Kentucky except as may hereinafter be provided, as follows:

(a) Syrup—The payment of the license taxes hereinabove provided for, shall be indicated by the affixing of Kentucky soft drinks license tax stamps to the original containers in which all syrups are received, stored, shipped, or handled, at the rate of seventy-six cents for each and every gallon in said containers.

(b) Bottled Drinks—Any and all soft drinks offered for sale in sealed bottles shall be stamped with Kentucky soft drinks license tax stamps or crowns, at the rate of one cent for each twelve ounces or fractional part thereof, by affixing said stamps or crowns at said rate to each individual bottle.

(c) Drinks Not Made With Syrup—All soft drinks manufactured or sold within this state, which drinks are manufactured without the use of any syrup on which the tax has been previously paid, shall be taxed at the rate of one cent for each five cents or fractional part thereof, of the retail selling price. Such tax shall be assessed and collected in accordance with regulations which the department may prescribe.

Section 3. Sale of Crowns or Stamps. (1) The Department shall prescribe the forms of soft drink license tax stamps or crowns, and have stamps or crowns prepared for sale in such manner as it deems proper. The Department may prescribe rules and regulations governing the sale and distribution of stamps or crowns and may require manufacturers and/or distributors of crowns to furnish bond to insure faithful compliance with such regulations as the

department may prescribe governing the sale of crowns to manufacturers, bottlers or importers of bottled soft drinks or soft drink syrups.

Section 4. Stamps or Crowns Required—All manufacturers, wholesale or retail dealers, bottlers, distributors, jobbers, or importers shall affix to each individual bottle containing bottled soft drinks, within twenty-four hours of the time of its manufacture or receipt in this state, the soft drinks license tax stamps or crowns indicating payment of the tax as prescribed by this Act, and shall affix to each individual container of soft drink syrup, within seventy-two hours after such syrup is received by them, or if a retail dealer, within twenty-four hours after such syrup is received by them, the soft drink license tax stamps indicating payment of the tax as prescribed by this Act. Such stamps or crowns shall be affixed and canceled in a manner prescribed by the department. When the stamp or crown has been affixed as herein required, no further or other stamp or crown shall be required under the provisions of this Act, regardless of how often such bottled soft drinks or soft drink syrups are sold or resold within this state.

Section 5. Refund—if any soft drink syrups or bottled soft drinks upon which soft drink license tax stamps or crowns have been placed are sold and transported to a regular dealer in such goods in another state for resale outside this state, or to the United States Government for army, navy or marine purposes, or to a place which has been lawfully ceded to the United States Government, the seller in this state shall be entitled to a refund of the actual amount of tax paid, upon condition that the seller in this state shall furnish such proof of sale, shipment and receipt by the purchaser as may be required by the department. The refund may be in the form of stamps or crowns of sufficient value to cover the refund, or if the seller so desires, the department may certify to the Department of Finance the refund to which the seller is entitled, and the Department of Finance shall draw an order upon the State Treasurer for the refund. The department may provide by regulation for the refund to manufacturers, wholesale or retail dealers, bottlers or dis-

tributors of the amount of tax paid on soft drink syrups or bottled soft drinks which become unfit for sale, or upon which there may occur any other legitimate loss upon proof of such loss.

Section 6. Records and Reports—Every person liable to pay any tax imposed by this Act shall preserve such records and submit reports monthly or less frequently and on a specified date coveing a definite period as the department may require. No such person shall refuse to permit the department or its authorized representatives to examine any records pertaining to the business made taxable by this Act. No person shall attempt to do anything to evade full disclosure of the facts or to avoid the payment in whole or in part of any tax due under this Act.

Section 7. Confiscation—Any soft drink syrup or bottled soft drinks in the possession of any person liable for the payment of the taxes imposed by this Act, and which have been in the possession of such person for a period of time longer than that specified in Section 4 for the imposition of soft drink license tax stamps or crowns, and which do not have attached the soft drink license tax stamps or crowns indicating payment of the tax as required by this Act, are hereby declared to be contraband goods, and the same may be seized by the department, its agents, and/or by any peace officer of the state of Kentucky, without a warrant, and the said goods shall be delivered to the department for disposition as hereinafter specified; and any vehicle, not a common carrier, which may be used in transporting, for the purpose of sale, any unstamped articles as hereinabove enumerated, shall likewise be subject to confiscation in the same manner as provided for unstamped goods, wares or merchandise. Provided that the period allowed in Section 4 of this Act for affixing stamps or crowns shall not apply to any person who, within said time limit, shall offer for sale, either at wholesale or retail, any of the goods, wares or merchandise herein enumerated, and all such goods, wares and merchandise when offered for sale, either at wholesale or retail without the stamps or crowns having been first affixed, shall be subject to confiscation as hereafter provided.

Section 8. Procedure When Goods Confiscated—In all cases of seizure of contraband goods as hereinbefore specified, the said officer or agent of the department shall proceed as follows:

(a) If, in the opinion of the officer or agent of the department making the seizure, the contraband goods are of the appraised value of $25.00 or more, he shall cause a list containing a particular description of the contraband seized to be prepared in duplicate, and an appraisement thereof to be made by three sworn appraisers, to be selected by him, who shall be respectable and disinterested citizens of the State of Kentucky, residing within the county wherein the seizure was made. Said list and appraisement shall be properly attested by the said officer or agent of the department and the said appraisers, for which service each of the said appraisers shall be allowed the sum of $1.00 per day, not exceeding two days, to be paid by the department out of any revenue received by it from the sale of the confiscated goods or the compromise which may be effected. If the said goods are believed by the officer or agent of the department making the seizure to be of less value than $25.00, no appraisement shall be made.

(b) The said officer or agent of the department shall proceed to publish a notice for two weeks, in writing, at three places in the county where the seizure was made, describing the articles and stating the time and place and cause of their seizure and requiring any person claiming them, to make such claim in writing upon the department, within fifteen days from the date of the first publication of such notice.

(c) Any person claiming the said contraband within the time specified in the notice, may file with the department a claim in writing stating his interest in the articles seized, and may file with the department a bond on a form and with a surety approved by the department, in a penal sum equal to double the value of said goods so seized, but in no case shall said bond be less than the sum of $100.00. Such bond shall be conditioned that in the case of condemnation of the articles so seized, the obligors shall pay to the department

the full value of the goods so seized, and all costs and expenses of the proceedings to obtain such condemnation including a reasonable attorney's fee. And upon the receipt of such claim the department shall transmit the same with the duplicate list or description of the goods seized, to the county attorney of the county in which such seizure was made, and the said county attorney shall prosecute the same to secure the forfeiture of said contraband, in the court having jurisdiction. Upon the filing of the bond aforesaid, the said goods shall be delivered to the claimant, pending the outcome of said case, but the department before delivering any such contraband shall require the purchaser to affix the proper amount of stamps or crowns to the individual packages of unstamped bottled soft drinks or soft drink syrups.

(d) If no claim is interposed and no bond given within the time specified, such contraband shall be forfeited without further proceedings and the same shall be sold at public auction, to the highest bidder, after due advertisement, but the department before delivering any of said goods so sold shall require the purchaser to affix the proper amount of stamps or crowns to the unstamped bottled soft drinks or soft drink syrups. The proceeds of the sale when received by the department shall be transmitted to the State Treasury as other revenues are required by law to be transmitted; Provided, That in seizures in quantities of less value than $25.00, the same may be advertised, with other quantities, at Frankfort, Kentucky, by the department, and disposed of as hereinabove provided.

(e) The proceedings against contraband shall be considered a proceeding *in rem* unless otherwise provided.

(f) The department may, at its discretion, return any goods confiscated under this Act when it is shown that there was no intention to violate the provisions of this Act: Provided, That when any contraband are confiscated under the provisions of this Act, the department may, in its discretion, return such goods to the parties from whom they were confiscated if, and when, such parties shall pay to the department, or its duly authorized representative, an amount equal to the assessed value of the goods confiscated, and in such

cases no advertisement shall be made or notices posted in connection with said confiscation.

Section 9. Penalties—(1) Any person required by this Act to affix stamps or crowns on soft drink syrups or bottled soft drinks as provided herein, who shall fail to properly affix the stamps or crowns within the time prescribed by law, shall, in addition to the goods being subject to confiscation, be required to pay as a part of the tax imposed hereunder a penalty of 20 per cent of tax or $10.00, which ever shall be the greater, and each article or container not having the proper stamps or crowns affixed as required shall be deemed a separate offense: Provided, That any soft drink syrups or bottled soft drinks in the place of business of any person required by this Act to affix soft drink license tax stamps or crowns, shall be prima facie evidence that such articles are intended for sale.

(2) Any person who shall reuse or alter, any soft drink license tax stamps or crowns, or use, prepare, buy, sell, offer for sale or knowingly have for sale in his possession any soft drink syrups or bottled soft drinks upon which are affixed counterfeit soft drink license tax stamps or crowns, shall be guilty of a misdemeanor and shall be fined not less than $100 nor more than $1,000, or imprisoned for not less than one nor more than five years, or both.

(3) Any person who violates any reasonable rule or regulation promulgated by the department under this Act, shall be fined not less than $25.00 nor more than $500 for each offense.

Section 10. There is hereby appropriated for the year 1948-49 a sum equal to seventy per cent of the proceeds of the tax levied by this Act to the common school per captia fund for teachers salaries and a sum equal to thirty per cent of the proceeds of the tax levied by this Act to the Department of Welfare, and for the year 1949-50 a sum equal to seventy per cent of the proceeds of the tax levied by this Act to the common school per capita fund for teachers salaries and a sum equal to thirty per cent of the proceeds of the tax levied by this Act to the Department of Welfare.

Thereafter, the proceeds of the tax levied by this Act shall be payable to the General Fund.

By Mr. Shannon.

H. B. No. 394. An Act relating to the carrying of concealed deadly weapons and the selling of deadly weapons to minors; amending Subsection (1) of Section 435.230 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of Section 435.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon, other than an ordinary pocket knife to a minor, shall be punished by such imprisonment as the jury in its discretion may impose, not to exceed confinement in the penitentiary for not more than five years.

H. B. No. 395. An Act relating to the registration of motor vehicles, with particular relation to registration plates.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 186.040 of the Kentucky Revised Statutes is amended to read as follows:

Upon filing application and paying the fee as provided by law, the owner shall be given a receipt containing the registration number and the information contained in the application, and two plates bearing the registration number. For services performed, the owner shall pay the county clerk the sum of fifty cents for each registration in addition to the registration fee.

§ 2. Section 186.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The owner shall have the receipt issued by the department through the clerk constantly in his possession, and he shall display the plates issued to him conspicuously upon the front and the rear of the motor vehicle. The plates shall be kept legible at all times, and the rear plate shall be illuminated when being operated during the hours designated in KRS 189.030.

(2) The registration plates for any year shall be displayed until December 31 of that year, it being the legislative intent that the registration year shall be from January 1 to December 31, but may be displayed on any motor vehicle, by the person owning the same on December 31, until midnight the first day of March of the year following that for which they were issued except as otherwise provided by this chapter, nor shall registration plates of the succeeding year be displayed before December 29 of said year.

§ 3. This Act shall take effect on January 1, 1949.

By Mr. Shaw.

H. B. No. 396. An Act relating to the acquisition of utility services for state park areas.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Where a state park area requires water or other utility services, the Division of Parks may enter into an agreement with an individual to construct a line with the necessary equipment and supply the park area with the requirements at an agreed price.

Title to any right of way outside of the park area which has been acquired by the Division of Parks and over which the utility is constructed, may be retained by the Division of Parks or may be conveyed to the individual with whom

a contract has been entered for the construction of the utility line and supplying of the requirements.

By Messrs. Cline, Davidson, Travis, James J. Shannon and Jennings.

H. B. No. 397. An Act to amend Section 164.360 of KRS which relates to appointment and removal of President, Faculty and Employees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 164.360 of KRS relating to Appointment and Removal of President, Faculty and Employees be amended and re-enacted so that said Section shall read as follows:

(1) "Each Board of Regents shall have full power and authority in the management and control of their respective institutions to appoint, employ and contract with a president, and on recommendation of the president to appoint, employ and contract with professors, associate professors, assistant professors, instructors and such other employees as may be necessary in the proper operation of their respective schools, and to fix their compensations, and their respective terms, provided, however, that after having served satisfactorily during a probationary period of employment not to exceed three years length. Any president, professor, associate professor may be removed by the Board of Regents only for immorality, inefficiency, incompetency including poor health, or failure to perform the duties assigned him and after a notice of said causes or failures has been furnished him in due written form ten days prior to the date set for the hearing. Charges against a president shall be preferred by the chairman of the Board upon written information furnished to him, and charges against a professor, associate professor, shall be preferred by the president.

(2) No person shall be employed who is related to any member of the Board of Regents as father, mother, brother,

sister, husband, wife, son, daughter, aunt, uncle, sister-in-law, daughter-in-law, except that upon written recommendation of the president of the college, one such relative of each member of the Board of Regents may be appointed upon confirmation by the other three appointed members.

Ordered that said bills be printed and referred.

The Speaker announced that he had referred bills and a resolution heretofore introduced or reported as follows, viz.:

House Bill No. 314—Committee on Kentucky Statutes No. 1.

House Bill No. 339—Committee on Library and Historical Records.

House Bill No. 352—Committee on Kentucky Statutes No. 1.

House Bill No. 369—Committee on Cities of the First Class.

House Bill No. 370—Committee on Ways and Means.

House Bill No. 372—Committee on Banks and Banking.

House Bill No. 373—Committee on Ways and Means.

House Bill No. 374—Committee on Cities of the Fourth Class.

House Bill No. 375—Committee on Cities of the Second Class.

House Bill No. 376—Committee on Cities of the Second Class.

House Bill No. 377—Committee on Military Affairs.

House Bill No. 378—Committee on Motor Transportation No. 1.

House Bill No. 379—Committee on Education No. 1.

House Bill No. 380—Committee on Kentucky Statutes No. 2.

House Bill No. 381—Committee on Ways and Means.

House Bill No. 382—Committee on Kentucky Statutes No. 1.

House Hill No. 383—Committee on Labor.

House Bill No. 384—Committee on Courts.

House Bill No. 385—Committee on Kentucky Statutes No. 1.

House Bill No. 386—Committee on Cities of the First Class.

House Bill No. 387—Committee on Ways and Means.

House Bill No. 388—Committee on Kentucky Statutes No. 2.

House Bill No. 389—Committee on Courts.

House Resolution No. 47—Committee on Claims.

Senate Bill No. 65—Committee on Suffrage and elections.

SENATE MESSAGE

A message which was received from the Senate announcing that they had passed bills and resolutions, which originated in that body, of the following titles, viz.:

S. B. No. 80. An Act to repeal, amend and re-enact Section 342.121; to repeal, amend and re-enact Section 342.185; to repeal, amend and re-enact Section 342.315; to repeal, amend and re-enact Section 342.310; all being sections of the

Kentucky Revised Statutes relating to Workmen's Compensation; and providing for an emergency clause.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 342.121 of the Kentucky Revised Statutes be repealed, amended and re-enacted so that the same shall read as follows:

(a) If on a claim for compensation for diability resulting from a subsequent injury by accident any medical question shall be in controversy, or a determination thereof necessary to the proper apportionment of liability therefor, the Board shall refer the case to a panel appointed by it of not less than two nor more than three disinterested physicians in the territory where the controversy occurred, for the purpose of investigating and reporting to the Board on the medical questions involved. The panel shall make its report to the Workmen's Compensation Board in writing with respect to all medical questions at issue or necessary to the apportionment of disability between the subsequent injury and the prior existing disability at the time of employment. The report shall show the date of prior disablement which, if in dispute, shall be deemed a medical question.

(b) The physicians appointed as provided in sub-section (a) of this section shall be allowed necessary traveling expenses and reasonable fees, to be fixed by the Board but not to exceed a fee of twenty dollars to each physician for making such examination and report, plus a reasonable allowance for expenses incurred in making such examination. The Board may also allow traveling expenses to the employee. Such fees and expenses so approved by the Board shall be paid out of the Subsequent Injury Fund in cases for subsequent injuries.

(c) The medical panel shall, as soon as practicable after it has completed its consideration of the case, report in writing its findings on every medical question in controversy. The medical panel shall also include in its report a statement in-

dicating the physician or physicians, if any, who appeared before it, and what, if any, medical reports and X-rays were considered by it.

(d) The decision or award in the case shall conform to the findings and conclusions in such report in so far as restricted to medical questions; provided, however, that any such findings and conclusions may be set aside, reversed or modified, by the Board's award or decision, in case an application for review is made to the Board within ten days after the report is filed with the Board and the interested parties notified, subject, however, to the following special provisions; no such findings of the medical panel shall be subject to review unless specific objections thereto shall be filed with the Board of a party in interest within the time limited in which to apply for review of such report.

(e) The provisions of this Section shall apply only to persons mentioned in KRS 342.120.

2. That Section 342.185 of the Kentucky Revised Statutes be repealed, amended and re-enacted so that the same shall read as follows:

No proceeding under this act for compensation for an injury or death shall be maintained unless a notice of accident shall have been given to the employer as soon as practicable after the happening thereof and unless a claim for compensation with respect to such injury shall have been made within one year after the date of the accident, or, in case of death, within one year after such death, whether or not a claim has been made by the employee himself for compensation. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by someone in his behalf. If payments of compensation as such have been made voluntarily, the making of a claim within such period shall not be required, but shall become requisite following the suspension of such voluntary payments. In cases of the disease of silicosis, caused by the inhalation of silica dust, no application for compensation shall be considered unless notice is given and claim is made within three years after the last injurious exposure to silica dust.

3. That Section 342.315 of the Kentucky Revised Statutes be repealed, amended and re-enacted so that the same shall read as follows:

The Board, or any member therefor, may, upon the application of either party or upon its own motion, appoint a disinterested and duly qualified physician or surgeon to make any necessary medical examination of the employee and to testify in respect thereto. The physician or surgeon shall be allowed a reasonable fee to be fixed by the Board, not exceeding twenty dollars for each examination and report, except that the Board may allow additional reasonable amounts in extraordinary cases and the reasonable cost of X rays, if any. The Board may allow traveling expenses to the employee or to the physician or surgeon. The traveling expenses and fees allowed under this subsection shall be paid out of the maintenance fund.

4. That Section 342.316 Kentucky Revised Statutes be repealed, amended and re-enacted so that the same shall read as follows:

(a) Procedure with respect to notice of disability or death, and as to the filing of claims and determination thereof in silicosis cases and the compensation payable for disability or death due to such disease shall be the same as in cases of accidental injury or death under the general provisions of the Workmen's Compensation Law, except that the medical testimony in silicosis cases shall be limited to not more than two physicians for each party, and, provided further that the provisions of this act, dealing with procedure in such cases, shall apply to all silicosis cases pending before the Workmen's Compensation Board in which no final award has been made by the Workmen's Compensation Board at the time the provisions of this act became effective.

Unless notice of disability or death due to silicosis is given to the employer as soon as practicable after the employee has knowledge that he has contracted such disease and claim is made upon the employer within three (3) years from the last injurious exposure to silica dust, all right to compensation for disability or death from silicosis shall be forever barred; provided, however, that notice of such claim

shall be deemed waived in case of disability or death where the employer, or his insurance carrier, voluntarily makes payments therefor, or, if the incurrence of the disease or the death of the employee, and its cause was known to the employer, and, provided further, that where compensation has been paid or awarded and payments have been discontinued, whether for disability or death from silicosis, the claim for further compensation must be made within one (1) year after the last payment for compensation.

(b) In claims for compensation due to silicosis, it must be shown that the employee was exposed to the hazards of the disease of silicosis in his employment within this State for at least two (2) years before his disability or death, provided that no part of such period of two years shall have been more than five years before the last exposure, and only the employer in whose employment the employee was last injuriously exposed to the hazards of such disease and his insurance carrier, if any, on the risk when such employee was last so exposed under such employment during a period of sixty (60) days, shall be liable for compensation payable for disability or death.

(c) The employer shall not be liable for any compensation for silicosis unless disability results within three (3) years after the last injurious exposure to the hazards of such disease in such employment, or, in case of death, unless death follows continuous disability from such disease, commencing within the period above limited, for which compensation has been paid or awarded, or, timely claim has been made as provided herein and results within ten (10) years after such last exposure.

(d) The amount of compensation payable for disability due to silicosis, or for death from such disease, and the time and manner of its payment, shall be the same as provided for accidental injury or death under the general provisions of the Workmen's Compensation law, but in no event to exceed such amounts, and provided further, that the time of the beginning of compensation payments shall be the date of the employee's last injurious exposure to silica dust, or the date of actual disability, whichever is later, and provided further,

that in case of death where the employee has been awarded compensation or made timely claim within the period provided for in this act, an employee has suffered continuous disability to the date of his death occurring at any time within ten (10) years from the date of disability, his dependents, if any, shall be awarded compensation for his death as provided for under the general provisions of the Workmen's Compensation law and this subsection.

(e) This act shall not apply to cases of silicosis in which the last injurious exposure to the hazards of such disease occurred before March 20, 1944.

(f) In case of disability or death from silicosis, complicated with tuberculosis of the lungs, compensation shall be payable as for uncomplicated silicosis, provided, however, that silicosis was an essential factor in causing such disability or death.

(g) If an autopsy has been performed, no testimony relative thereto shall be competent unless the employer or his representative shall have participated therein or been given reasonable opportunity so to do.

(h) Wherever used in this section "silicosis" shall mean the characteristic fibrotic conditions of the lungs caused by the inhalation of silica dust.

(i) No compensation shall be payable for silicosis if the employee at the time of entering the employment of the employer by whom compensation would otherwise be payable, falsely represented himself, in writing, as not having been previously disabled, laid off, or compensated in damages or otherwise, because of such disease, or failed or omitted truthfully to state to the best of his knowledge, in answer to written inquiry made by the employer, the place, duration and nature of previous employment, or, to the best of his knowledge, the previous state of his health.

(j) Where silicosis is aggravated by other disease or infirmity not itself compensable, or where disability or death from any other cause, not itself compensable is aggravated, prolonged, accelerated or in anywise contributed to by silicosis, the compensation payable shall be reduced and limited to such proportion only of the compensation that would be

payable if silicosis were the sole cause of the disability or death as such silicosis, as a causative factor, bears to all causes of such disability or death, such reduction in compensation to be effected by reducing the number of weekly or monthly payments or the amount of such payments as under the circumstances of the particular case may be for the best interests of the claimant or claimants.

(k) No compensation for death from silicosis shall be payable to any person whose relationship to the deceased, which, under the provisions of this chapter would give right to compensation, arose subsequent to the beginning of the first compensable disability, save only to afterborn children of a marriage existing at the beginning of such disability.

5. The provisions of this act or chapter shall be construed to be severable; and if any of said provisions are held unconstitutional or otherwise invalid, such invalidity shall not affect the operation of the remaining portions thereof.

6. Whereas, it appears that the present state of the law with respect to claims for disability and death due to silicosis has proven to be so complicated and unworkable as to cause long delay in arriving at an award, and

Whereas, there are now pending numerous claims for disability and death due to silicosis and that a silicosis hazard exists in the State of Kentucky, an emergency is hereby declared to exist and the provisions of this act shall become effective immediately upon its passage and approval by the Governor.

S. B. No. 81. An Act to repeal, amend and re-enact Section 342.285, 342.290 and 342.295 of Kentucky Revised Statutes relating to appeals in Workmen's Compensation cases and providing an emergency clause.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:

That Section 342.285 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

(1) An award or order of the board as provided in KRS 342.275, if application for review is not filed as provided for in KRS 342.280, shall be conclusive and binding as to all questions of fact, but either party may, within twenty (20) days after the rendition of such final award or order of the board, by petition appeal to the circuit court that would have jurisdiction to try an action for damages for injuries if this chapter did not exist, for the review of such order or award, the board and the adverse party being made respondents.

(2) The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner, who shall furnish copies of the petition to the respondents at the time of filing it. Summons shall issue upon the petition directing the adverse party to file answer wihin fifteen (15) days after service thereof and directing the board to send its entire original record, properly bound, to the clerk of the circuit court, after certifying that such record is its entire original record, which shall be filed by the clerk of the circuit court and such record shall then become and be considered by the circuit court on review.

(3) No new or additional evidence may be introduced in the circuit court except as to the fraud or misconduct of some person engaged in the administration of this chapter and affecting the order, ruling or award, but the court shall otherwise hear the cause upon the record as certified by the board and shall dispose of the cause in summary manner, its review being limited to determining whether or not:

(a) The board acted without or in excess of its powers;

(b) The order, decision or award was procured by fraud;

(c) The order, decision or award is not in conformity to the provisions of this chapter; and

(d) If findings of fact are in issue, whether such findings of fact support the order, decision or award.

(4) The board and each party may appear in such review proceedings; the court shall enter judgment affirming, modifying or setting aside the order, decision or award, or in its discretion remanding the cause to the board for further

proceedings in conformity with the direction of the court. The court may, before judgment and upon a sufficient showing of fact, remand the cause to the board.

2. That Section 342.290 of Kentucky Revised Statutes be repealed and re-enacted so that the same shall read as follows:

(1) Where an amount sufficient under Kentucky Revised Statute 21.060 to authorize an appeal to the Court of Appeals is involved, the judgment of the circuit court shall be subject to appeal to the Court of Appeals. The scope of review by the Court of Appeals shall include all matters subject to review by the circuit court and also errors of law arising in the circuit court and upon appeal made reviewable by the civil code of procedure where not in conflict with this chapter.

(2) The procedure as to appeal to the Court of Appeals shall be the same as in civil actions, so far as it is applicable to and not in conflict with this chapter, except as follows:

(a) The appellant shall file with the clerk of the circuit court, together with proof or acknowledgment of service, a schedule which indicates the portions of the record to be incorporated into the transcript of the record to be used on appeal to the Court of Appeals. Should the appellee or his counsel desire additional portions of the record incorporated into the record to be filed in the Court of Appeals, he may file with the clerk of the circuit court his schedule also within ten (10) days thereafter (unless the time is extended by order of the circuit court or the Court of Appeals), indicating the additional portions of the record desired by him. Provided, however, that if the original record of the Workmen's Compensation Board is desired by either party on appeal to the Court of Appeals, it shall not be necessary for the clerk of the circuit court to copy said original record into the transcript, but the same shall be and become a part of the transcript and shall be forwarded to the Clerk of the Court of Appeals as a part of the record upon appeal to said court. The Clerk shall not be entitled to any transcript fee for such original record.

(3) The clerk of the circuit court will transmit to the Court of Appeals as the transcript of the record only those

portions of the record of the lower court as are designated by the parties as above.

3. That section 342.295 be repealed and re-enacted so that the same shall read as follows:

The circuit court or the Court of Appeals, may make such rule or order as it may deem necessary for the safe keeping, transporting and return of such original records of the Workmen's Compensation Board to the said board when the judgment in the case becomes final. When any appeal has become final the Clerk of the Court of Appeals shall return such original record to the Workmen's Compensation Board, who shall safely keep the same. At all times thereafter such record shall remain a part of the record of the case in the Court of Appeals, though kept in the possession of the Workmen's Compensation Board.

Whereas, it appears that in numerous instances the records in cases before the Workmen's Compensation Board are unusually large, requiring considerable time to copy the entire record for appeal to the circuit court, and likewise requiring considerable time to copy the record for the Court of Appeals, all of which in many instances causes unusual delay in the final determination of such cases, an emergency is hereby declared to exist and provisions of this act shall become effective immediately upon its pasasge and approval by the Governor.

S. B. No. 112. An Act to repeal, amend and re-enact Section 276.060 Kentucky Revised Statutes with respect to authorizing the Kentucky Railroad Commission to employ clerical and other help necessary to enable it to promptly and efficiently perform the duties required of it by the Constitution and Statutes of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 276.060 Kentucky Revised Statutes be, and the same is hereby repealed, amended and re-enacted so as to read as follows, viz.:

276.060(1) The office of the Kentucky Railroad Commission shall be at the seat of Government;

(2) The Commission may appoint a secretary, a stenographer, and such other employees as it may find necessary to the proper performance of its duties and fix the compensation of such employees within the annual appropriation of said Commission by the Legislature;

(3) The Chairman of the Commission shall receive a salary of Three Thousand ($3,600.00) Six Hundred Dollars per annum, and each of the other Commissioners shall receive a salary of Three Thousand ($3,000.00) Dollars per annum. Each Commissioner shall receive his actual, necessary traveling expense while engaged in the discharge of his duties;

(4) The members and employees of the Kentucky Railroad Commission, when in the performance of their official duties, shall have the right to free transportation between points in this State on all vehicles or common carriers subject in whole or in part to control or regulation by the Commission. Each carrier shall issue to the State, for the use of each member and employee of the Commission, written or printed authority entitling them to be transported free of charge over the lines of the carrier when engaged in the discharge of their official duties.

S. B. No. 113. An Act repealing Subsection (25) of Section 276.990, Kentucky Revised Statutes, and repealing amending and re-enacting Section 276.480, Kentucky Revised Statutes, so as to provide a penalty for the violation of any prohibition in said Section 276.480.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Subsection (25) of Section 276.990, Kentucky Revised Statutes be, and the same is hereby repealed, and that Section 276.480 be, and the same is hereby repealed, amended and re-enacted so as to read as follows, to wit:

(1) Upon the application of any carrier by railroad, and after such notice to the public and such hearing as the commission may by order prescribe, the Railroad Commission of Kentucky shall have the power and it shall be its duty to authorize common carriers by railroad to discontinue passenger service by railroad on any line of railroad or branch thereof in this State, whenever in the opinion of said Railroad Commission any such passenger service by railroad has been and is being carried on at a loss and there is no reasonable probability that such condition will in the future change for the better, or whenever any passenger service by railroad has for any reason become unnecesasry in the public interest; and no carrier by railroad shall discontinue any passenger train or substitute a mixed train for a passenger train on any line of railroad or branch thereof until said Railroad Commission shall have authorized the discontinuance or substitution in accordance with the provisions of this section, provided, however, this clause shall not apply to seasonal passenger trains.

(2) Any railroad company that has established and maintained throughout the year, for five consecutive years, a passenger station at a point on its line, shall not abandon the station without the written consent of the Railroad Commission.

(3) Any railroad company that violates any of the provisions of this section shall be fined not less than One Hundred ($100.00) Dollars, nor more than Five Hundred ($500.00) Dollars for each offense.

S. B. No. 158. An Act to regulate the practice of chiropody.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Definitions.* As used in this Act:

(1) "Board" means the State Board of Health;

(2) "Official Examiners" means the examiners for Chiropody licenses;

(3) "Chiropody" means the diagnosis, and the local, medical, mechanical and surgical treatment, of ailments of the human foot, and massage in connection therewith, except amputation of the foot or toes, or the use of anaesthetics other than local, or the use of drugs or medicine other than local;

(4) "Chiropodist" means one who practices chiropody.

§ 2. *Scope and Application of Act.*

This act shall not apply to:

(1) Any person manufacturing or selling, as merchandise in a duly established mercantile establishment, shoes or appliances designed and intended to equalize pressure on different parts of the foot, or the sale by any licensed druggist of plasters, salves, and lotions for corns, warts, callosities and bunions, provided such persons shall make no diagnosis or recommendation and shall prescribe no remedy or treatment;

(2) Or interfere in any manner with the practice of any person whose religion treats or administers to the sick or suffering by purely spiritual means, nor with any individual's selection of any such person;

(3) Physicians licensed by the state board of medical examiners of this state;

(4) Surgeons of the United States army, navy, United States Veterans Administration, and United States Public Health Service, when in actual performance of their official duties.

§ 3. *License Required.*

No person shall profess to be a chiropodist, or practice or assume the duties incident to chiropody in this state, or use the title "chiropodist" or any words or letters which designate or tend to designate to the public that the person

is a chiropodist, unless he holds a valid, current license from the Board, registered in the county in which the holder is engaged in such practice. Any person who violates this section shall forfeit any right to compensation for services rendered.

§ 4. *Official Examiners.*

(1) There shall be a committee of five official examiners in Chiropody, who shall be appointed by the President of the Board, and whose function it shall be to examine applicants for license to practice chiropody. Two members shall be appointed from members of the Board, and each of the remaining three members shall be a licensed chiropodist, a citizen of the United States and a resident of this state and shall have been engaged in the practice of chiropody in this state for at least five years. The three chiropodist members shall be appointed for terms of three years, and until their successors are appointed and qualified, except that upon the appointment of the first members, one shall be designated to serve for one year, one for two years, and one for three years. The two members appointed from the Board shall be appointed for terms of one year. All appointments of chiropodist members, including appointments to fill vacancies, shall be made from lists of three names for each position submitted by the Kentucky Association of Chiropodists. All vacancies shall be filled by the President of the Board.

(2) No member of the official examiners shall be a stockholder, officer, member of the faculty or board of trustees of any school, college or institution of chiropody.

(3) The official examiners shall have the power, subject to the approval of the President of the Board, to make such rules and regulations, not inconsistent with this Act, as may be necessary in the performance of its duties.

§ 5. *Examinations; issuance of licenses.*

(1) The official examiners shall hold examinations of applicants for licenses to practice chiropody in this state semiannually at such times and places as the Board shall fix, and shall admit to examination any applicant who:

(a) Is at least twenty-one years of age;

(b) Is a citizen of the United States and a resident of the State of Kentucky;

(c) Is of good moral character and temperate habits; and

(d) Has completed a course in and graduated from a school or college of chiropody approved by the Board; and no school or college of chiropody shall be approved by the Board unless it has a minimum requirement of a course of required study consistent with the Approved Schools of the council on education of the National Association of Chiropodists as recommended by the official examiners.

(2) The examination shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, histology pathology, dermatology, pedic-surgery, physio-therapy, diagnosis and treatment, materia medica and therapeutics and other subjects as these subjects relate to antiseptics and anaesthetics and clinical chiropody, but the examination shall be so limited in its scope as to cover only the minimum requirements for chiropody educations.

(3) Applicants for examination shall present their credentials to the Board by mail upon forms furnished by the Board, and shall receive due notice of the place and date of the examination. Each application shall contain proof of the qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by an examination fee of Twenty-five Dollars.

(4) The Board shall issue a license to any person who complies with the provisions of this Act and who satisfactorily passes the examination.

§ 6. *Existing Practitioners.*

Chiropodists holding certificates under the Drugless Practice Act [KRS 311.070] and actively engaged in the practice of chiropody in this state at the time of the passage of this Act shall, upon furnishing proof thereof to the Board, and upon payment of the renewal license fee of Five Dollars, be entitled to a license without examination. Application for such licenses shall be filed with the Board not later than sixty days after this Act becomes effective.

§ 7. *Registration of Licenses.*

Every person licensed to practice chiropody shall, within thirty days after issuance, file his license with the county clerk of each county in which he desires to engage in the practice of chiropody, and shall pay the county clerk a recording fee of fifty cents. The clerk shall keep a record of chiropodists' licenses in a book in his office.

§ 8. *Expiration Date of License; Renewal; Fee.*

(1) Licenses granted under this Act shall expire on June 30 following the date of issuance unless sooner revoked and canceled.

(2) Licenses may be renewed annually by filing an application for renewal with the Board prior to July 1 of each year, upon blanks prescribed by the Board, and paying a renewal fee of Five Dollars. The Board shall annually send notices to all licensed chiropodists in this state prior to this date.

§ 9. *Chiropodist to Practice under Own Name; Title Used.*

(1) No person shall offer to practice chiropody under the name of any company. Any person practicing or offering to practice chiropody shall practice under his own name only, as his name appears in his license.

(2) No person practicing or offering to practice chiropody shall use any title or abbreviation thereof except the designation "Chiropodist". The term "Foot Specialist" may be used in conjunction with the title "Chiropodist," but not as a substitute therefor and not alone.

§ 10. *Chiropodist to Display Licenses; Advertising.*

(1) Any person who practices chiropody shall display his license, together with the annual license renewal certificate, in a conspicuous place in the office in which he practices.

(2) No person practicing or offering to practice chiropody shall in any manner advertise the prices charged for his services; nor shall he advertise in newspapers, in periodicals, by handbills or circulars, or in bold-face type in any printed matter, or by the use of any form of display sign; except that

he may, upon opening an office or upon change of address, mail or publish announcements to that effect provided such announcements shall not appear more than three times in public print, and the form of such announcement shall be determined by the official examiners.

§ 11. *Grounds for Denial, Revocation or Suspension of License.*

The Board may refuse to license or renew, or may suspend or revoke the license of any chiropodist, upon proof that he:

(1) Has been convicted of a felony;

(2) Has been guilty of moral turpitude or conduct likely to deceive or defraud the public;

(3) Has employed, hired, procured or induced a person not licensed to practice chiropody in this state to so practice;

(4) Has aided or abetted in the practice of chiropody a person not licensed to practice chiropody in this state;

(5) Has been granted a license upon a mistake of a material fact; or

(6) Has violated any provision of this Act.

§ 12. *Proceedings to Revoke, Suspend or Refuse to Renew License.*

(1) A suspension or revocation of a license, or a refusal to renew a license, may be made by the Board only after a hearing of which the accused has been given adequate notice. At the hearing, the Board and the accused shall have the benefit of counsel.

(2) The Board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person as in civil cases by subpoena issued over the signature of the President of the Board and in the name of the state.

§ 13. *Record of Revocation or Suspension.*

The revocation or suspension of any license shall be noted upon the records of the Board, and a revoked license shall be marked as canceled upon the date of its revocation. The Board shall, upon entry of an order of suspension or

revocation, transmit to the county clerk of the county in which the license affected by the order is recorded, a certified copy of the order, which shall be recorded in the same manner and the same book in which the record of the license is kept.

§ 14. *Appeal from Order of Revocation or Suspension.*

A licensee whose license has been revoked or suspended by the Board, or who has been refused a renewal license, may, within thirty days of the entry of the order, appeal to the circuit court of the county in which the hearing was held. The person taking the appeal shall serve upon the Board a written notice of the appeal, and shall file with the Board an appeal bond with good and sufficient surety, to be approved by the President of the Board, conditioned for the speedy prosecution of the appeal and the payment of any costs charged against him upon the appeal. The Board, within ten days after the service of notice of appeal and the filing and approval of the bond, shall transmit to the clerk of the court a certified copy, under the seal of the Board, of the accusations on which the ruling of the Board was based and the ground for appeal, together with the notice and bond of appeal. The clerk shall then docket the case, and it shall be tried in all respects like an ordinary civil action. Either party may appeal from the judgment of the circuit court to the Court of Appeals as in a civil action. The order appealed from shall be stayed from the date of the approval of the bond until final determination of the appeal.

§ 15. *Penalties.*

Any person who shall present to the county clerk for the purpose of registration any license which has been fradulently obtained, or shall obtain any license under this Act by false or fraudulent statement or representation, or shall practice chiropody under a false or assumed name or shall falsely impersonate another practitioner or former practitioner of a like or different name, or shall aid and abet any person in the practice of chiropody within the state without conforming to the requirements of this Act, or shall otherwise violate or neglect to comply with any of the provisions of this Act, shall be fined not less than one hundred dollars nor more than

two hundred dollars, or imprisoned in the county jail for a term of not less than three months nor more than one year, or both so fined and imprisoned. Each case of practicing chiropody in violation of the provisions of this Act shall be considered a separate offense.

§ 16. *Application of drugless practice law.*

The provisions of KRS 311.070 shall not apply to the examination and licensing of chiropodists.

S. B. No. 162. An Act relating to the handling, sale and distribution of barbiturates.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. For the purpose of this Act—

(a) The term "barbiturate" means the salts and derivatives of barbituric acid, also known as malonyl urea, having hypnotic or somnifacient action, and compounds, preparations and mixtures thereof.

(b) The term "delivery" means sale, dispensing, giving away, or supplying in any other manner.

(c) The term "patient" means, as the case may be, (1) the individual for whom a barbiturate is prescribed or to whom a barbiturate is administered, or (2) the owner or the agent of the owner of the animal for which a barbiturate is prescribed or to which a barbiturate is administered.

(d) The term "person" includes individual, corporation, partnership, and association.

(e) The term "practitioner" means a person licensed by law to prescribe and administer barbiturates.

(f) The term "pharmacist" means a person duly registered with the State Board of Pharmacy as a compounder, dispenser, and supplier of drugs upon prescription.

(g) The term "prescription" means an order, by a practitioner to a pharmacist for a barbiturate for a particular patient, which specifies the date of its issue, the name and

address of such practitioner, the name and address of the patient (and, if such barbiturate is prescribed for an animal, the species of such animal), the name and quantity of the barbiturate prescribed, and the directions for use of such drug.

(h) The term "manufacturer" means persons other than pharmacists who manufacture barbiturates, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process.

(i) The term "wholesaler" means persons engaged in the business of distributing barbiturates to persons included in any of the classes named in subdivisions (1) to (6) inclusive of Section 4.

(j) The term "warehouseman" means persons who store barbiturates for others who have no control over the disposition of such barbiturates except for the purpose of such storage.

(k) The term "official written order" means an order written on a form provided for that purpose by the Kentucky Board of Pharmacy or the State Department of Health at a nominal fee.

§ 2. The following acts, the failure to act as hereinafter set forth, and the causing of any such act or failure are hereby declared unlawful except as provided in Sections 3 and 4.

(a) The delivery of any barbiturate unless—

(1) Such barbiturate is dispensed by a pharmacist, upon a prescription, and there is affixed to the immediate container in which such drug is delivered a label bearing (a) the name and address of the owner of the establishment from which such drug was delivered; (b) the date on which the prescription for such drug was filled; (c) the number of such prescription as filed in the prescription files of the pharmacist who filled such prescription; (d) the name of the practitioner who prescribed such drug; (e) the name and address of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal; and (f) the directions for use of the drug as contained in the prescription, or

(2) Such barbiturate is delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered bears a label on which appear the directions for use of such drug, the name and address of such practitioner, the name and address of the patient, and, if such drug is prescribed for an animal, a statement showing the species of the animal.

(b) The delivery of a barbiturate upon prescription unless the pharmacist who filled such prescription files and retains it as required in Section 5.

(c) An official written order form is received showing the purchaser's name, address, name of the barbiturate purchases, the amount purchased and the date of purchase. Only persons listed under Section 3 subsection 4 will be issued an official written order form.

(d) The possession of a barbiturate by any person, unless such person obtained such drug on the prescription of a practitioner or in accordance with Section 2 (a) 2.

(e) The refusal to make available and to accord full opportunity to check any record or file, as required by Section 6.

(f) The failure to keep records as required by paragraph (a) or (b) of Section 5.

(g) The using of any person to his own advantage, or revealing, other than to an officer or employee of the Kentucky Board of Pharmacy of the State Department of Health, or to a court when relevant in a judicial proceeding under this Act, any information required under the authority of Section 6 concerning any method or process which as a trade secret is entitled to protection.

§ 3. Nothing in this Act shall apply to a compound, mixture, or preparation containing salts or derivatives of barbituric acid which is sold in good faith for the purpose for which it is intended and not for the purpose of evading the provisions of this act if—

(a) Such compound, mixture, or preparation contained a sufficient quantity of another drug or drugs, in addition to such salts or derivatives, to cause it to produce an action other than its hypnotic or somnifacient action; or

(b) Such compound, mixture, or preparation is intended for use as a spray or gargle or for external application and contains, in addition to such salts or derivatives, some other drug or drugs rendering it unfit for internal administration.

§ 4. The provisions of paragraphs (a) and (d) of Section 2 shall not be applicable (a) to the delivery of barbiturates to persons included in any of the classes hereinafter named, or to the agents or employees of such persons, for use in the usual course of their business or practice or in performance of their official duties, as the case may be; or (a) to the possession of barbiturates by such persons or their agents or employees for such use;

(1) Pharmacists

(2) Practitioners

(3) Persons who procure barbiturates (a) for disposition by or under the supervision of pharmacists or practitioners employed by them, or (b) for the purpose of lawful research, teaching, or testing, and not for resale.

(4) Hospitals and other institutions which procure barbiturates for lawful administration by practitioners.

(5) Officers or employees of Federal, State, or local Governments.

(6) Manufacturers and wholesalers.

(7) Carriers and warehousemen.

§ 5. (a) Persons (other than carriers) to whom the provisions of Section 4 are applicable shall (1) make a complete record of all stocks of barbiturates on hand on the effective date of this Act and retain such record for not less than two calendar years immediately following such date, and (2) retain a record relating to barbiturates maintained by them in the usual course of their business or occupation, for not less than two calendar years immediately following the date of such record.

(b) Pharmacists shall, in addition to complying with the provisions of subsection (a), retain each prescription for a barbiturate received by them for not less than two calendar years immediately following the date of the filling or the date of the last refillinig of such prescription, whichever is the later date.

(c) Practitioners shall, in addition to complying with subsection (a) keep a record of all barbiturates dispensed, giving the name to whom dispensed, quantity dispensed and drug dispensed and retain such record for not less than two calendar years immediately following the date of such record.

§ 6. Persons required to keep files or records, relating to barbiturates by Section 5 shall, upon the written request of an officer or employee duly designated by the Kentucky Board of Pharmacy of the State Department of Health, (1) make such files or records available to such offcier or employee, at all reasonable hours, for inspection and copying, and (2) accord to such officer or employee full opportunity to check the correctness of such files or records, including opportunity to make inventory of all stocks of barbiturates on hand; and it shall be unlawful for any such person to fail to make such files or records available or to accord such opportunity to check their correctness.

§ 7. The Kentucky Board of Pharmacy jointly with the State Department of Health is hereby authorized to promulgate necessary regulations for the administration and enforcement of this Act.

§ 8. It shall be the duty of the Kentucky Board of Pharmacy and the State Department of Health, their officers, agents, inspectors and representatives, and of all peace officers within the state and of all county attorneys to enforce the provisions of this Chapter.

§ 9. Any person who violates any of the provisions of section 2 of this Act shall upon conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than five hundred dollars, or both such imprisonment and fine; but if the violation is committed after a conviction of such person under this Act has become final, such person shall be subject to imprisonment for not more than two years or a fine of not more than one thousand dollars, or both such imprisonment and fine.

§ 10. If any provision of this Act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder

of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

S. B. No. 165. An Act relating to procuring and purchasing files, office equipment and supplies for use in the Franklin Circuit Court for the accommodation and preservation of records of State Fiscal suits and records filed in the Franklin Circuit Court by and against the Commonwealth of Kentucky and the departments thereof and providing for the payment therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Clerk of the State Fiscal Court, to wit: The Clerk of the Franklin Circuit Court, is authorized to make requisition upon the Division of Purchases of the Commonwealth of Kentucky for the necessary office equipment, files and supplies for the accommodation and preservation of suits and records in Fiscal Cases filed in the Franklin Circuit Court by and against the Commonwealth of Kentucky and the departments thereof.

Section 2. It shall be the duty of the Director of the Division of Purchases to procure said supplies and equipment ordered and forward them to the Clerk of the Frankiln Circuit Court when such order and requisition has been authorized and approved by the Judge of the Franklin Circuit Court.

Section 3. The Director of the Division of Purchases shall certify the costs of said supplies and equipment to the Division of Finance of the Commonwealth of Kentucky for payment, and it shall be the duty of the Division of Finance to pay for said equipment and supplies not to exceed $300.00 per annum out of the general fund revenue not appropriated for other purposes.

S. B. No. 197. An Act relating to the establishment in Kentucky of medical hospitals and related services, creating a division in the Department of Health to establish and regu-

late such services, and authorizing said division to accept on behalf of the Commonwealth of Kentucky, and to disburse any grants, gifts or contributions now or hereafter made by the Federal Government, or from any other sources, to aid and assist in carrying out the purposes and provisions of the Federal Public Law No. 725 (79th Congress), Chapter 958, 2nd Session, or any other acts for the same or similar purposes, and providing an appropriation to the Kentucky Department of Health to enable it to meet conditions to secure grants, gifts or contributions, and to pay the necessary expenses of the division herein authorized.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There is hereby created and established a Division of Medical Hospitals and related services in the Department of Health, which shall:

(a) Protect and promote the health of the general public through studies and surveys of the needs in relation to medical and surgical hospital facilities and related services.

(b) Disseminate such knowledge and information as will aid in providing the facilities and services to meet the needs found to exist in the State.

(c) Be herewith authorized to accept and receive on behalf of the State any grants, gifts or contributions now or hereafter made by the Federal Government, or from any other source, to the Commonwealth of Kentucky to aid and assist in carrying out the purposes and provisions of Public Law No. 725 (79th Congress), Chapter 958, 2nd Session, or any other acts for the same or similar purposes.

(d) Convert all funds received from grants, gifts or contributions into the State Treasury which shall be placed in a revolving fund to be disbursed on authorization of the Commissioner of Health with the approval of the Commissioner of Finance.

(e) Counsel and advise counties and communities seeking aid in the construction of hospitals and medical centers

and related services, as provided in Public Law No. 725 (79th Congress), Chapter 958, 2nd Session, receive applications for such aid and transmit same to the Surgeon General of the United States of America for approval.

(f) Employ such personnel as is necessary and required to carry out the provisions of this Act.

(g) Appoint an Advisory Council in accordance with the provisions of Public Law No. 725 (79th Congress), Chapter 958, 2nd Session, with approval of the Governor to aid and advise in determining State needs and to consider plans to meet such needs.

(h) Make such regulations as are necessary to carry out the provisions and intentions of this Act and set up such standards and regulations pertaining to conduct and operation of (hospitals) institutions receiving benefits under the terms of this Act as are necessary to conform with the Federal regulations and standards promulgated under Public Law No. 725 (79th Congress), Chapter 958, 2nd Session.

Sec. 2. There is hereby appropriated to the Department of Health out of the general expenditure fund of Kentucky the sum of Thirty Thousand Dollars ($30,000.00) for the year 1948-49 and Thirty Thousand Dollars ($30,000.00) for 1949-50 to carry out the purpose of this Act.

S. B. No. 199. An Act relating to the state tuberculosis sanatoria, including Hazelwood Sanatorium; providing for a State Tuberculosis Sanatoria Commission and transferring to such commission certain powers and duties now possessed by the State Board of Health, the Tuberculosis Sanatoria Commission of Kentucky and the boards of commissioners for individual sanatoria, and abolishing the Tuberculosis Sanatoria Commission of Kentucky and the boards of commissioners for individual sanatoria; and making provisions for the management, operation, construction, improvement, funds financing, properties, and personnel of the sanatoria, and the admission and transfer of patients.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 215.072 of the Kentucky Revised Statutes is repealed and in lieu thereof there is enacted the following section, to be numbered KRS 215.072:

(1) There is created a commission to be known as the State Tuberculosis Sanatoria Commission, and to consist of five members. The Commissioner of Welfare shall be ex officio a member, and the other four members shall be appointed by the Governor. The appointed members shall be appointed for terms of four years and until their successors are appointed and have qualified, except that upon the appointment of the first members one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. The commission shall annually elect a chairman from its membership, for a term of one year. The commission shall meet at the call of the chairman, or at the call of the Governor, at such time and place as is designated in the call. The members of the commission, other than the Commissioner of Welfare, shall receive a per diem of ten dollars for each meeting of the commission attended, and all members shall be reimbursed for their actual and necessary expenses in attending meetings of the commission and otherwise in performing their duties. Any vacancy shall be filled by appointment by the Governor for the unexpired term.

(2) The State Tuberculosis Sanatoria Commission shall be attached to and constitute a part of the Department of Welfare. The Department of Welfare shall furnish such secretarial and clerical assistance, and office space, as may be required by the commission.

(3) The per diem and expenses of the members of the State Tuberculosis Sanatoria Commission shall be paid out of appropriations for the ordinary recurring expenses of operation of the state tuberculosis sanatoria.

§ 2. Section 215.076 of the Kentucky Revised Statutes is amended to read as follows:

The State Tuberculosis Sanatoria Commission shall have charge of the government and operation of the state tuberculosis sanatoria located in each of the six districts enumerated in KRS 215.071, and shall have authority to prescribe rules and regulations for that purpose. All funds and properties of the santoria shall be under the management and control of the commission, subject to the provisions of Chapters 12, 41, 42 and 45 of the Kentucky Revised Statutes. The Commission may receive property by legacy, conveyance or otherwise, on behalf of the Commonwealth, in aid and furtherance of the objects of the sanatoria or of any individual santorium. Any donation for a specified use shall be applied to such use and no other. The commission shall furnish to the Governor an annual report covering the operations of the sanatoria, and such other reports as the Governor may require. All funds of the commission shall be handled as provided in Chapters 41, 42 and 45 of the Kentucky Revised Statutes.

§ 3. Section 215.077 of the Kentucky Revised Statutes is amended to read as follows:

The State Tuberculosis Sanatoria Commission shall employ and fix the compensation of a medical director for each sanatorium, and in so doing shall not be subject to any restriction contained in subsection (2) of KRS 12.050. No person may be employed as medical director unless he is a member in good standing of the Kentucky State Medical Association, or the National Tuberculosis Society, and has had at least five years' clinical experience in the field of tuberculosis. The Commission shall have authority to employ such physicians, nurses and other personnel as it deems necessary for the operation of the sanatoria, and may regulate the terms of service, type of duties, and compensation of such personnel, subject in all respects to the provisions of KRS 42.110 to 42.150. The commission shall encourage the employment of inmates in the sanatoria in such a way as to contribute to their physical, mental and moral development, and may utilize the product of their labor in the maintenance of the sanatoria.

§ 4. Section 215.078 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the provisions of subsection (2), (3) and (4) of this section, and subject to such regulations as the State Tuberculosis Sanatoria Commission may prescribe, the medical director of each state tuberculosis sanatorium shall receive for treatment at such sanatorium any pauper patient who is a resident of the sanatorium district sent to the sanatorium by any county or city board of health with the approval, as to pauper status, of the county judge of the county of which the patient is a resident.

(2) Any medical director, with the advice of the commission, shall have authority to refuse to accept any patient where the acceptance of such patient would result in an unequal proportion of patients, according to population, from any county in the district.

(3) Paying patients may be accepted at any sanatorium so long as at least one-half of the accommodations of the sanatorium are kept available for pauper patients desiring admission. The charge to be made for paying patients shall be fixed by the State Tuberculosis Sanatoria Commission subject to the approval of the Governor.

(4) Whenever the number of patients seeking admission to a sanatorium is greater than can be accommodated and cared for in the sanatorium, the names of those applying for admission shall be placed on a waiting list and they shall be received in the order of their application as soon as accommodations can be provided, subject to the provisions of subsections (2) and (3) of this section.

(5) The State Tuberculosis Sanatoria Commission may provide for the transfer of paying patients or pauper patients from one state sanatorium to another, in order to best accomplish the purpose of providing sanatorium facilities for all needy persons of this state.

(6) Provisions shall be made at each sanatorium for the receipt and furnishing of adequate facilities for the treatment of paying and pauper patients of the Negro race who are residents of the district.

§ 5. Section 215.079 of the Kentucky Revised Statutes is amended to read as follows:

The cost of transporting paying patients to any of the state tuberculosis sanatoria shall be paid by themselves or by their friends or relatives. The cost of transporting pauper patients shall be paid by the fiscal court of the county from which they are sent.

§ 6. Section 215.070 of the Kentucky Revised Statutes is repealed, and in lieu thereof there is enacted the following section, to be numbered KRS 215.070:

The title to all property situated in Jefferson County that is used and occupied by the state tuberculosis sanatorium in that county is hereby transferred to and shall hereafter be vested in the Commonwealth, and the State Board of Health shall execute such conveyance and instruments as are necessary to effectuate the record of such transfer. Such transfer shall not affect the validity of any mortgage or bonds, heretofore executed according to law, which constitute an encumbrance upon such property, and the State Tuberculosis Sanatoria Commission shall arrange for the payment of the interest and principal of such mortgage or bonds out of any funds appropriated for that purpose.

§ 7. Sections 215.010, 215.020, 215.030, 215.040, 215.050, 215.060, 215.073, 215.074 and 215.075, and subsections (2) of Section 215.071, of the Kentucky Revised Statutes, are repealed.

§ 8. Any appropriation made by the General Assembly, including revolving, trust or agency fund appropriations, for the ordinary recurring expenses of operation of the state tuberculosis sanatoria, which appropriations have been made to or under the name of any other state agency, shall be deemed to have been made to, and shall be available to, the State Tuberculosis Sanatoria Commission. The commission, with the approval of the Commissioner of Finance, shall allocate and apportion such appropriations among the various state tuberculosis sanatoria as in its judgment will best meet the needs and purposes of the sanatoria, except that this shall not authorize the diversion of any appropriation made by the General Assembly specifically for the uses and purposes of a particular, named sanatorium.

§ 9. The repeal of KRS 215.074, by this Act, shall not affect the validity of any outstanding, uncompleted contract executed under authority of that section.

S. B. No. 230. An Act repealing and re-enacting Section 89.560, Kentucky Revised Statutes, relating to city managers in cities of the second, third and fourth classes, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 89.560, Kentucky Revised Statutes, 1946 Edition, is hereby amended and re-enacted to read as follows:

(1) The board of commissioners shall select and employ a city manager. He shall be selected solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. He shall be employed for an indefinite period, in cities of the second and fourth classes, or for a period not exceeding four years in cities of the third class. He shall receive such compensation as may be determined by the board of commissioners. During the absence or disability of the city manager the board of commissioners shall designate some properly qualified person to perform the duties of the office.

(2) In cities of the second class the city manager shall be removable at will without cause by a majority of the board of commissioners.

(3) In cities of the third and fourth classes the city manager shall be removable at will by the board of commissioners, but removal shall not be effected by a reduction in his compensation. If removed at any time after having served for six (6) months he may in writing demand written charges and a public hearing before the board of commissioners prior to the date on which his final removal shall take effect, but during the hearing the board of commissioners may suspend him from office. The public hearing shall be

fixed by the board of commissioners not to exceed thirty (30) days after demand therefor.

Section 2. Whereas, there now exists great confusion and conflict in the administration of the affairs of cities of the second class having a city manager form of government with regard to the relationship between the city manager and the board of commissioners; and

Whereas, governing authorities of cities of the second class having a city manager form of government who were elected are in a state of doubt and confusion with regard to their power and authority; and

Whereas, such doubt and confusion is paralyzing the effective administration of cities of the second class having a city manager form of government:

An emergency is hereby declared to exist, and this Act shall become a law immediately upon its passage and approval by the Governor.

S. Res. No. 12. A Joint Resolution authorizing Edmund Hoyle, Mary Hoyle, Charles Edward Hoyle, Millard Stratton, Dorothy E. Stratton, Marvin Ray Stratton, and Henry Stratton, all of Floyd County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky.

Said resolution is as follows, viz.:

Whereas, on the 28th day of June, 1947, on State Highway No. 23, in Floyd County, Kentucky, Edmund Hoyle, Mary Hoyle, Charles Edward Hoyle, Millard Stratton, Dorothy E. Stratton, Marvin Ray Stratton, and Henry Stratton, suffered personal injuries as the result of alleged negligence on the part of an employee or employees of the Commonwealth of Kentucky, while said employee or employees were in the line of duty,

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Edmund Hoyle, Mary Hoyle, Charles Edward Hoyle, Millard Stratton, Dorothy E. Stratton, Marvin Ray Stratton, and Henry Stratton, are each authorized, individually, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, in the Floyd Circuit Court, for damages resulting from personal injuries caused by alleged negligence on the part of employees of the Commonwealth of Kentucky and the Department of Highways, while said employees were engaged in the line of duty as employees of this Commonwealth and its Department of Highways.

Said suits shall not be for a sum in excess of the following amounts:

Edmund Hoyle, $3000.00
Mary Hoyle, 5000.00
Charles Edward Hoyle, 5000.00
Millard Stratton, 2500.00
Dorothy E. Stratton, 2500.00
Marvin Ray Stratton, 2500.00
Henry Stratton, 2500.00

No plea of limitation shall be interposed if said suits are commenced within one year from the effective date of this Resolution.

The Attorney General may investigate said claims and settle any or all of said claims before or after suit is filed, if he deems it advisable. Any amounts recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or the Department of Highways, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

S. Res. No. 34. A Joint Resolution authorizing the personal representative of J. W. Lathan, deceased, to sue the

Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of J. W. Lathan, deceased, of Graves County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Graves Circuit Court, for damages for the wrongful death of said J. W. Lathan, caused by alleged negligence on the part of an employee of the Department of Highways and the Commonwealth of Kentucky while said employee was acting in the line of duty.

Said suit shall be for a sum not in excess of $5,000.

The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Funds upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the Department of Highways, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. No. 35. A Joint Resolution authorizing Leo F. Wilson of Versailles, Kentucky, to sue the Commonwealth of Kentucky and the Division of Game and Fish of Kentucky, or either.

Said resolution is as follows, viz.:

Whereas, on the 15th day of November, 1947, while Leo F. Wilson of Versailles, Kentucky, was operating his auto-

mobile upon a public highway in Woodford County, Kentucky, a wild deer suddenly and without warning appeared upon the highway in such a way that the said Leo F. Wilson was unable to avoid running into the deer with his automobile, with the result that his automobile was damaged in the amount of Five Hundred ($500.00) Dollars, and

Whereas, it appears that the Commonwealth of Kentucky and the Division of Game and Fish of Kentucky, or either, in their capacity of protecting and preserving the wild life in this state, and particularly in permitting wild deer to run unmolested and uncontrolled in such a way that they may create a hazard to highway traffic, may be responsible in damages,

Now, Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Leo F. Wilson of Versailles, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Division of Game and Fish of Kentucky, or either, for damages to his automobile resulting from a collision with a wild deer upon a public highway in Woodford County, Kentucky, on the 15th day of November, 1947.

2. The suit shall be for a sum not in excess of Five Hundred ($500.00) Dollars.

3. The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the ..... Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this Resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth or the Division of Game

and Fish, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. No. 36. A Joint Resolution authorizing Harvey D. Brown, of Lexington, Kentucky, to sue the Commonwealth of Kentucky and the Department of Welfare, or either.

Said resolution is as follows, viz.:

Whereas, on the 10th day of October, 1947, while Harvey D. Brown was operating his truck, acting by and through his agent and servant, William E. Thomas, upon a public highway in Fayette County, Kentucky, a collision occurred between said truck and an automobile belonging to the Commonwealth of Kentucky and operated and driven by Cecil Van Hoose, an employee of the Kentucky Houses of Reform, with the result that Harvey D. Brown's truck was damaged in the amount of One Thousand ($1,000.00) Dollars, and

Whereas, it appears that the Commonwealth of Kentucky or the Department of Welfare, or either, acting by and through their agent, servant and employee, who was then and there acting within the scope of his authority, may be responsible in damages,

Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Harvey D. Brown, of Lexington, Fayette County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Welfare, or either, in the Fayette Circuit Court, for damages to his automobile resulting from the collision caused by the negligence on the part of the Commonwealth of Kentucky and the Department of Welfare, acting through its agent and employee, while acting within the scope of his employment as herein set out.

2. The suit shall be for a sum not in excess of One Thousand ($1,000.00) Dollars.

3. The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this Resolution shall be considered by either the court or jury as an admission of neglect upon the part of the Commonwealth or the Department of Welfare and this Resolution shall not be introduced as evidence or commented upon by counsel in arguments to the jury.

S. Res. No. 37. A Joint Resolution authorizing John Cleveland to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That John Cleveland, of New Castle, Indiana, is authorized hereby to sue the Commonwealth of Kentucky and the Department of Highways, either or both, in the Hardin Circuit Court, for damages resulting from personal injury and property damage caused by alleged negligence on the part of an employe of the Commonwealth while said employe was in the line of duty as an employe of the Department of Highways.

Said suit shall be for a sum not in excess of Thirty Thousand Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No plea of limitations shall be interposed.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. No. 39. A Joint Resolution authorizing the Pearson Construction Co., Inc., of 311 Ninth St., Benton Harbor, Michigan, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, a controversy exists between the Pearson Construction Company, Incorporated, of Benton Harbor, Michigan, and the Department of Welfare and the Department of Finance of the Commonwealth of Kentucky, over a settlement for work done and performed by said Pearson Construction Company, Incorporated, under contract with the said Department of Welfare for the general construction of Negro Ward Building at the Central State Hospital, Lakeland, Kentucky, which contract is designated in the Department of Finance of the Commonwealth of Kentucky as Contract No. CT-3794 and for damages resulting to the Pearson Construction Company, Incorporated, alleged to have been caused by the alleged breach of said contract by the Commonwealth of Kentucky and the Department of Welfare and, alleged to have been caused by the negligence of the agents, officers, servants and employees of the Department of Welfare, and the Commonwealth of Kentucky, and

Whereas, the said parties are not able to arrive at a settlement of their difficulties,

Now, in order to determine by judicial action the respective rights of the parties, and the amounts due the Pearson Construction Company, Incorporated, by the Commonwealth of Kentucky and the Department of Welfare, and whether or

not the Pearson Construction Company, Incorporated, is entitled to recover its alleged damages caused by the alleged breach of said contract and the alleged balance due for work under said contract:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Pearson Construction Company, Incorporated of Benton Harbor, Michigan, be and it is hereby authorized to institute a suit in the Franklin Circuit Court, at Frankfor, Ketntucky, against the Commonwealth of Kentucky and the Department of Welfare of the Commonwealth of Kentucky to recover any amount of money that may be due said Pearson Construction Company, Incorporated, for work done, services performed or materials furnished under a contract with the Department of Welfare, for the general construction of the Negro Ward Building at the Central State Hospital, at Lakeland, Kentucky, and to recover any damages incurred or suffered by the Pearson Construction Company, Incorporated, by the Commonwealth of Kentucky or the Department of Welfare, growing out of any breach of said contract, or out of the negligence of the agents, officers, employees and servants of the Commonwealth of Kentucky, or the Department of Welfare in the fulfillment of operation of said contract.

2. The Attorney General of the Commonwealth may investigate the claim herein and settle or compromise the same before or after suit, if he deems advisable.

Any judgment that Pearson Construction Company, Incorporated, may obtain in said Franklin Circuit Court, against the Commonwealth of Kentucky, or any settlement or compromise with the Attorney General, shall be paid by the Director of Finance by warrant on the State Treasurer, out of any funds in his hands not otherwise appropriated, but the amount of said judgment or compromise settlement shall not exceed the sum of $50,000.00.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said bills and said resolutions be printed and referred.

The message which was received from the senate also announced that they had adopted a resolution which originated in that body as follows, viz.:

S. Res. No. 48. A Concurrent Resolution requesting the Commissioner of Highways to investigate the toll charges now being charged on the state-owned Newport and Broadway bridge running from Newport, Kentucky, to Cincinnati, Ohio, with a view to reducing the tolls thereon in order to relieve the congestion on the state-owned L & N Bridge, thereby, and at the same time, increasing the revenue of the Newport and Broadway bridge so as to retire the bonds thereon at an earlier date.

Whereas, the rates of toll now being charged upon the state-owned Newport and Broadway bridge running from Newport, Kentucky, to Cincinnati, Ohio, is in excess of that charged by other toll bridges across the Ohio River in the Northern Kentucky area; and

Whereas, it is a known fact that the traffic on the toll-free state-owned L & N Bridge at Newport, Kentucky, is heavily congested due to the fact that drivers of motor vehicles will not use the state-owned Newport and Broadway Bridge because of the excessive toll; and

Whereas, if the tolls on the Newport and Broadway Bridge were reduced to 5 cents per passenger automobile per trip the traffic on said bridge would be increased to such an extent that the traffic congestion on the toll-free L & N Bridge would be eliminated, while at the same time, the revenue obtained on the Newport and Broadway bridge would be so greatly increased that the bonds thereon would be paid and

retired at a time considerably earlier than that now anticipated under the present rate of tolls for passenger automobiles.

Now, Therefore

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That the Commissioner of Highways exert his every influence upon the trustees of the bondholders for the construction of the Newport and Broadway Bridge as well as other interested parties to fix the toll rate across said bridge at a rate of 5 cents per trip for each passenger automobile instead of the present rate of 15 cents each way.

Mr. John C. Watts moved that the House do now concur in said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

REPORT OF COMMITTEES

Mr. John C. Watts, of the Committee on Kentucky Statutes No. 1, to which the same had previously been referred, reported bills of the following titles, viz.:

S. B. No. 195. An Act relating to the payment of state checks, clearance of outdated state checks from the treasurer's records and providing for the payment of outdated checks.

S. B. No. 36. An Act relating to the practice of accounting, with particular reference to the certification or registration of public accountants.

H. B. No. 360. An Act relating to the regulation and licensing of trailers used as a house, office, store, display or utility unit.

H. B. No. 84. An Act to amend Section 63.080 of the Kentucky Revised Statutes, relating to the power of the Governor to remove officers appointed by him.

H. B. No. 361. An Act relating to taxation of motor fuels other than gasoline and prescribing the purposes for which such tax may be expended, and amending KRS 138.360 and KRS 138.390.

H. B. No. 371. An Act to repeal, and reenact Section 342.030 Kentucky Revised Statutes 1946, relating to the fees of alcoholic beverage licenses.

H. B. No. 362. An Act to repeal, amend and reenact Section 138.500 of the Kentucky Revised Statutes relating to revenue and taxation.

H. B. No. 363. An Act to repeal and re-enact Section 342.720 Kentucky Revised Statutes 1946, relating to revenue and taxation.

H. B. No. 358. An Act relating to revenue and taxation.

H. B. No. 357. An Act relating to revenue and taxation.

H. B. No. 354. An Act relating to revenue and taxation.

H. B. No. 359. An Act providing for the photographing, photostating, microphotographing, microfilming or filming of records and papers of the Governor, Lieutenant Governor or any state administrative department, agency, commission or institution or the principal officer thereof and authorizing the use of such reproductions for record and copies thereof as evidence.

H. B. No. 115. An Act to repeal KRS 179.080, 179.090, 179.100, 179.120 and 179.130, and subsections (2), (3) and (4) of KRS 179.990, relating to the working of county roads.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Cull of the Committee on Veterans' Legislation, to which the same had previously been referred, reported bills of the following title, viz.:

H. B. No. 51. An Act relating to educational assistance for persons whose fathers died while members of the Armed Farces of the United States during World War II.

With Committee amendment thereto by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act relating to educational assistance for children of members of the Armed Forces who were killed or died as a result of service in the Armed Forces during World War II.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 157.070 of the Kentucky Revised Statutes is amended to read as follows:

If a sum is appropriated for the purpose, the matriculation fees, board, room rent, books and supplies for attendance at a state educational institution of secondary or college grade shall be provided for children, not over twenty-four years of age and who have had their domicile in Kentucky for twelve months, of members of the Armed Forces of the United States who were bona fide residents of Kentucky at the time of their entry into active service into the Armed Forces of the United States and who were killed or died between December 7, 1941, and July 26, 1947, as a result of service in the Armed Forces of the United States. Such

children may be admitted to state institutions of secondary or college grade free of tuition.

2. Section 157.090 of the Kentucky Revised Statutes is amended to read as follows:

Not more than $216 shall be paid under the provisions of KRS 157.070 for any one child for any one school year. If all of the sum appropriated is not consumed for the purposes provided for in KRS 157.070, the State Board of Education, on recommendation of the Executive Secretary of the Kentucky Disabled Ex-Servicemen's Board, or its successor, may appropriate the balance to children eligible for aid under KRS 157.070 who desire to enroll in vocational, technical or business schools.

3. There is hereby appropriated to the State Board of Education, out of the General Expenditure Fund in the State Treasury, the sum of $15,000.00 for each of the fiscal years 1948-1949 and 1949-1950, for the purposes set forth in KRS 157.070 to 157.090, as amended.

S. B. No. 85. An Act amending Subsection (3) of Section 90.320 of the Kentucky Revised Statutes, relating to civil service in cities of the second class.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Hanratty of the Committee on Claims, to which the same had previously been referred, reported resolutions of the following titles,

H. Res. No. 10. A Joint Resolution authorizing James A. Newman to sue the Commonwealth of Kentucky.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. R. No. 10, on page 1, line 13, to strike words "to the Court of Appeals of Kentucky" from line 13 and substitute in lieu thereof the words "as provided for in civil cases."

H. Res. No. 1. A Joint Resolution authorizing C. Bruce Daniel to sue the Comonwealth.

H. Res. No. 15. Resolution authorizing Coet Shepherd by his statuory guardian or next friend to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky, or either.

With Committee amendments thereto.

Said Committee amendments to said resolution are as follows, viz.:

Committee amendment No. 1. Amend printed copy of H. Res. 15, on page 2, line 6, by adding at the end thereof the word "alleged."

Committee Amendment No. 2. Amend printed copy of H. Res. No. 15, on page 2, line 13, by adidng at the end thereof the following words:

"Any action filed shall not exceed the sum of $20,000.00".

S. Res. No. 19. A Joint Resolution authorizing W. B. Tatum to file suit against the Commonwealth of Kentucky, the Department of Highways and the Highway Patrol, or any one or more of them.

With Committee amendment thereto.

Said Committee amendment to said resolution is as follows, viz.:

Amend printed copy of S. Res. No. 19, on page 2, line 3, by inserting the words "not in excess of $35,000.00" between the words "damages" and "resulting" in line 3.

With the expression of opinion that same should pass.

Whereupon said resolutions were each and severally read at length for the first time and

Ordered placed on the Calendar.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in this body of the following title, viz.:

H. B. No. 2. An Act to amend Section 117.155 of the Kentucky Revised Statutes, relating to registration of voters.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see H. J. of Jan. 20, 1948, ante.)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz.:

Amend House Bill No. 2 by striking the period in line 10 page one of the printed bill and insert in lieu thereof a comma and the addition of the following words to follow said comma, "nor in any election to be held within thirty (30) days thereafter."

Mr. John C. Watts moved that the House do now concur in said amendment to said bill.

Said motion was agreed to.

And thereupon said amendment was agreed to.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Ira W. Hulette	Amos Runyan
Jason Alford	Kerby Jennings	Glenn Rushing
Sidney Baer	Paul S. Jonas	Mrs. Rutherford
Levi Baker	L. H. Jones	Dr. K. N. Salyer
Bernhardt Bauer	Ercel Kozee	D. B. Saylor
Chas. W. Burnley	W. E. McClure	LeRoy Saylor
A. H. Calvert	Ed Marcum	James J. Shannon
Robert Collins	F. G. Marquette	Paul E. Shannon
Everett T. Cooper	C. D. Moberly	Harry Smith
Perry M. Cross	Davis Moore	John M. Spaulding
G. I. Drury	Walter Moorman	G. W. Steinford
Kermit Dwyer	Fred H. Morgan	John M. Stumbo
Henry J. Giles	E. C. Mullins	Albert Thomason
Otto W. Goff	Stanley Murphy	J. B. Veech
Henry C. Hale	T. A. Noe, Jr.	W. J. Ward
N. M. Hamilton	H. C. Patterson	John C. Watts
James P. Hanratty	L. W. Preston	Lawrence Watts
Dennis Henderson	E. F. Prichard	Morris Weintraub
Carson Hibbitts	Hobart Rayburn	Rodney Whitlow
Richard R. Houpt	Ottis Roberts	G. F. Williamson
Clyde S. Howard	Lilburn S. Rogers	Charles W. Wirsch
M. G. Howard		—64

Mr. Runyan moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty of the Committee on Claims, to which the same had previously been referred, reported a resolution of the following title, viz.:

H. Res. No. 22. Joint Resolution authorizing John Thorpe of Wide Creek, Breathitt County, Kentucky to sue the

Commonwealth of Kentucky and the Department of Highways.

With the expression of opinion that said resolution should not pass.

No motion having been made to advance said resolution to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said resolution, it was ordered that said resolution be not read the first time and so said resolution was rejected.

Mr. Hanratty of the Committee on Claims, to which the same had previously been referred, reported a resolution of the following title, viz.:

H. Res. No. 41. A Joint Resolution authorizing and directing the payment of the claims of Barkley Graham, Sheriff of McCraken County, for fees allowed at the January and April terms, 1947, of the McCracken Circuit Court.

Mr. Cline of the Committee on Criminal Law, to which the same had previously been referred, reported bills of the following titles, viz.:

H. B. No. 91. An Act relating to crime and punishment with particular reference to cattle stealing.

With Committee amendment thereto by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act relating to crime and punishment with particular reference to cattle stealing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who steals any bovine animal shall be confined in the penitentiary for not less than two years nor more than ten years, without privilege of parole.

H. B. No. 225. An Act making the stealing of licensed dogs a felony and fixing the punishment therefor.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Paul E. Shannon of the Committee on Tuberculosis, to which the same had previously been referred, reported a bill of the following title, viz.:

S. B. No. 98. An Act relating to state aid for acquisition and operation of district tuberculosis sanitoria.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Davis Moore of the Committee on Cities of the Sixth Class, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 310. An Act relating to the appointment, members and terms of city recreational commissions.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Burnley of the Committee on Ways and Means, to which the same had previously been referred, reported bills and a resolution of the following titles, viz.:

H. B. No. 125. An Act relating to Banks and Trust Companies and combined Banks and Trust Companies, creating a new section known as KRS Section 287.125 and repealing amending and reenacting KRS Section 287.230.

H. B. No. 356. An Act providing for the investment of funds of the Teachers' Retirement System and amending KRS 161.430.

H. B. No. 322. An Act relative to annexation of County School Districts, Subdistrict, Subdistricts or parts thereof, and repealing, amending and reenacting Section 160,050 of Kentucky Revised Statutes, 1946 Edition.

H. B. No. 321. An Act creating a Sinking Fund Commission to invest certain funds of the Commonwealth, and defining its powers and duties.

H. B. No. 343. An Act to repeal, amend and reenact Section 276.500 Kentucky Revised Statutes with respect to limitations of prosecutions and actions by and against common carriers by rail or by water.

S. B. No. 127. An Act relating to civil suits brought against the Commonwealth of Kentucky pursuant to resolutions of the General Assembly, whereby comments apprizing the jury of the existence of the resolution are forbidden and penalized.

S. Res. No. 31. Joint Resolution authorizing the removal of an unrealized account carried on the account records of the Department of Finance and the Department of the Treasury.

S. B. No. 91. An Act relating to the compensation of stenographers of county judges.

H. B. No. 148. An Act relating to revenue and taxation.

With Committee amendment thereto by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act relating to pari-mutuel or similar systems of betting at running or trotting horse race tracks, providing for the disposition of funds deposited in a pari-mutuel or similar pool and imposing an excise tax on persons, corporations and associations which operate tracks at which such systems are used.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system shall distribute or cause to be distributed to the holders of the winning tickets therein all sums deposited in such a pool, less the following amounts:

(a) Twelve per cent of all deposits plus the breaks, in the case of bets made on running horse races;

(b) Fifteen per cent of all deposits plus the breaks, in the case of bets made on trotting horse races.

"Breaks" are defined as the odd cents over any multiple of five, calculated on the basis of one dollar, otherwise payable to a patron. The tax imposed by section two of this Act shall be paid out of the amount authorized to be retained by the person, corporation or association which operates the track. The remainder of the amount authorized to be so retained may be held by the person, corporation or association operating the track for its own use and purposes.

Section 2. An excise tax is imposed on every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to four per cent of the total amount of all money deposited in pari-mutuel pools or similar pools (including any pool, such as a daily double pool, even though tickets sold for such a pool are not vended by a mechanical or electrical device nor the totals of such a pool computed and determined by a totalizator) plus fifty per cent of the breaks.

Section 3. The tax imposed by section 2 of this Act shall not apply to an association or corporation which operates a running or trotting horse race track which is not authorized by its charter to pay dividends (currently or in liquidation) to any of its stockholders, or to make any distribution of its profits to its members, and all the profits of such association or corporation, in excess of operating expenses and amounts expended or reasonably reserved for the repair, maintenance or improvement of the track, grounds and facilitis at which it so operates, are used solely for, or are paid to any other association, corporation, institution, agency, foundation, society or other organization in the United States which is exempt from Federal income taxes, to be used by it or another such organization solely for scientific, educational or charitable purposes in such a manner that no part of such profits inure to the benefit of any stockholder or member of such organization nor to the benefit of any stockholder or member of the corporation or association which operates the track. But no association or corporation shall be entitled to the exemption granted in this section if any officer, employee, member or shareholder thereof shall receive or be entitled to receive, directly or indirectly, any pecuniary profit therefrom except reasonable compensation for necessary services actually rendered in the ordinary conduct of its business.

Section 4. (1) The Department of Revenue shall administer and enforce the provisions of and collert the tax and penalties imposed and other payments required by this Act, and in doing so it shall have the general powers and duties granted it in Chapter 131 and section 135.050 of the Kentucky Revised Statutes, including the power to enforce, by an action in the Franklin Circuit Court, the collection of the tax, penalties and other payments herein imposed or required.

(2) The department shall prescribe the time and manner in which the tax, penalties and other payments herein imposed or required shall be reported and paid.

(3) The department shall prescribe the forms and systems of accounting to be employed in recording the total amount of money deposited in or paid from any pari-mutuel

or similar pool, and shall have the right, at all reasonable times, to examine all books, records, issuing or vending machines, adding machines and betting equipment kept or used by or for all persons, corporations and associations operating a track as described in section 1 of this Act.

Section 5. If any winning ticket in a pari-mutuel or similar pool is not presented for payment before April 1 of the calendar year following the calendar year in which it was purchased, whether purchased before or after the effective date of this Act, the amount held for the payment of such ticket shall be presumed abandoned and shall be reported and paid to the Department of Revenue. Thereafter, the rights of any person claiming an interest in such sum shall be determined in the manner prescribed in KRS 393.140 to 393.160 for the recovery of other property presumed to be abandoned, which has been surrendered to the State.

Section 6. Upon the failure of any person, corporation or association subject to the tax imposed by section 2, to report and to remit the tax within the time prescribed by the Department of Revenue, a penalty equal to twenty per cent of the amount of the tax due and delinquent, together with interest at six per cent per annum on both the original tax and the penalty shall be paid. In the event it is necessary to institute legal proceedings for the collection of the tax imposed by section 2, an additional penalty of twenty per cent shall be paid.

Section 7. Any person, corporation or association which retains or permits to be retained an amount of the deposits in a pari-mutuel or similar pool in excess of the amount permitted by section 1 of this Act shall pay to the Department of Revenue such excess or an amount equal thereto, plus a penalty of twenty per cent of such amount, as a civil penalty for the violation of that section.

Section 8. Any person, corporation or association which intentionally refuses to report or pay money to the Department of Revenue as required by section 5 of this Act shall be subject to a fine of not less than one thousand dollars nor more than five thousand dollars.

Section 9. Any person, corporation or association which willfully retains or knowingly permits to be retained an amount of the deposits in a pari-mutuel or similar pool in excess of the amount prescribed by section 1 of this Act, shall be subject to a fine of not less than five thousand dollars nor more than twenty thousand dollars in addition to the civil penalty imposed by section 7 of this Act.

Section 10. In addition to all other penalties provided in this Act, when the pari-mutuel system of betting is operated at a track licensed under the provisions of KRS 137.170, said license may be suspended, revoked or renewal refused by the State Racing Commission upon the failure of the operator to comply with the provisions of this Act or the rules and regulations promulgated by the Department of Revenue pursu ant thereto even though the pari-mutual system of betting and the track are operated by different persons, corporations or associations.

Section 11. All monies paid to the Department of Revenue under the provisions of this Act shall be deposited with the State Treasurer and be credited to the General Expenditure Fund.

Section 12. Whereas the running and trotting horse seasons in this State will soon commence, and whereas a substantial loss of revenue to the state will result in the event that this Act does not become effecive prior thereto,

Now Therefore an emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

With the expression of opinion that same should pass.

Whereupon said bills and said resolution were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mrs. Burnett of the Committee on Appropriations, to which the same had previously been referred, reported bills of the following titles, viz.:

H. B. No. 247. An Act providing for the appointment of defense counsel for indigent person charged with the commission of a felony; compensation.

H. B. No. 114. An Act relating to the furnishing of records books for county court, quarterly courts, county court clerks and circuit court clerks.

H. B. No. 258. An Act relating to the financial responsilibity of motorists.

With the expression of opinion that said bill should not pass.

H. B. No. 112. An Act to amend KRS 203.250 by repealing paragraph 1 as to $75.00 allowance and re-enact it to a maximum of $200 payable one half by the Commonwealth of Ky. and one half by the Fiscal Court.

H. B. No. 113. An Act relating to the fees of county jailers, amending KRS 64-150 so as to require the State to pay the fees for keeping and dieting prisoners except in certain instances.

H. B. No. 345. An Act relating to the development of public libraries in Kentucsy to appropriating money therefor.

With the expression of opinion that same should pass.

Said bills were each and severally read at length for the first time, with the exception of one specifically set out above, and

Ordered placed on the Calendar.

Mr. Baker of the Committee on Air Transportation, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 234. An Act to repeal, amend and reenact Section 183.390, Kentucky Revised Statutes, by giving authority

to the city or county, or city and county, to establish, construct, maintain, manage, operate and control an airport.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. McClure of the Committee on Kentucky Statutes No. 2, to which same had previously been referred, reported bills of the following titles, viz.:

H. B. No. 77. An Act relating to conspiracy; banding together for unlawful purpose; repealing Sections 435.250, 437.110, 437.120, 437.130 and 437.140 of the Kentucky Revised Statutes.

With Committee amendment thereto by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act to repeal, amend and re-enact Sections 437.110 and 437.120, Kentucky Revised Statutes, relating to conspiracy; banding together for unlawful purpose.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 437.110, Kentucky Revised Statutes be repealed, amended and re-enacted so that same, when re-enacted shall read as follows:

(1) No two or more persons shall confederate or band themselves together and go forth for the purpose of intimidating, alarming, disturbing or injuring any person, or of taking any person charged with a public offense from lawful custody with the view of inflicting punishment on him or of preventing his prosecution, or of doing any felonious act.

(2) No two or more persons shall confederate or band themselves together and go forth for the purpose of molesting, damaging or destroying any property of another person, whether the property is molested, damaged or destroyed or not.

(3) Any person who violates this section shall be punished by fine or imprisonment, or both, in the discretion of the jury.

Section 2. That Section 437.120, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted shall read as follows:

If any injury results to any person or property, by reason of any act prohibited by subsection (2) of KRS 437.110, the person engaged, participating, aiding or abetting in such an act shall be punished by fine or imprisonment, or both, in the discretion of the jury, unless death results, in which case the penalty for such offense shall be as now prescribed by law. It shall be no mitigation of the offense under this section that the offender acted through heat or passion or without malice, and the court in trying the case shall so instruct the jury in writing. The persons so confederating or banding together shall be individually and collectively liable in damages, actual and punitive, to the owner of property so damaged or destroyed.

H. B. No. 105. An Act relating to old age assistance.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. No. 105, on page 2, section 2, line 7, after the word "Institution", add the words "or in an institution operated by any local governmental unit or agency."

H. B. No. 290. An Act relating to the parole of inmates of penal institutions and repeal of Section 439.105 and Section 439.106 of the Kentucky Revised Statutes.

With Committee amendments thereto.

Said Committee amendments to said bill are as follows, viz.:

Committee Amendment No. 1. Amend printed copy of H. B. 290, on page 2, section 3, line 6, after the word "Department" add "provided, however, said prisoner does not have a previous commitment to a penal institution on a felony charge."

Committee Amendment No. 2. Amend printed copy of H. B. No. 290, on page 2, section 7, to be added as a new section:

7. "Any person convicted or sentenced to a felony prior to March 15, 1948, shall continue to be eligible for parole under the former provisions of these sections; and a prisoner convicted prior or subsequent to March 15, 1948, shall be eligible for parole under these sections as amended."

Committee Amendment to Title. Amend printed copy of H. B. No. 290, in the title—the word "repeal" should be changed to "amending".

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. McClure of the Committee on Kentucky Statutes No. 2, to which the same had been recommitted, reported a bill of the following title, viz.:

H. B. No. 187. An Act relating to the survey, construction, maintenance and operation of hospitals and health centers; including provisions for a hospital Advisory Council; and including provisions conferring certain powers, functions

and duties upon that State Board of Health providing for the prescribing and enforcement of standards for the maintenance and operation of hospitals; and making an appropriation for the purposes of the Act.

Without an expression of opinion.

Said bill was then land on the Clerk's desk.

CALENDAR

The House took up for consideration from the Calendar bills and a resolution of the following titles, viz.:

H. Res. No. 35. A Joint Resolution providing for the designation, as "The United Spanish War Veterans' Memorial Highway," of that portion of U. S. Highway No. 23 that passes through Kentucky, and for the suitable marking of the same.

S. B. No. 48. An Act amending and re-enacting K.R.S. 132.640 relating to advancement against compensation to county tax commissioner in counties containing city of first or second class.

S. B. No. 47. An Act amending and re-enacting K.R.S. 132.630 relating to compensation of county tax commissioner, deputies, appraisers and assistants in counties containing city of first class.

H. B. No. 210. An Act to provide that building and loan associations, when making a loan, may renew and extend the note evidencing such loan and may lend additional amounts to the same borrower or borrowers or their successors in title, and that the original mortgage securing payment of such loan shall secure payment of such renewals, extensions and additional loans, where so stated in such mortgage, to the extent of two thousand ($2,000.00) in addition to the original amount loaned.

H. B. No. 58. An Act relating to services for war veterans and their dependents; establishing a Veterans Affairs

Commission and providing for its organization, functions and appropriations; and abolishing the present Disabled Ex-Service Men's Board.

H. B. No. 340. An Act relating to the penalties for the violation of the local option law, particularly with respect to traffic in or possession of alcoholic beverages in dry territory.

H. B. No. 261. An Act providing compensation, transportation and subsistence while in active field service with the Kentucky National Guard.

H. B. No. 306. An Act relating to mutual insurance companies, other than life; amending KRS 301.050 and 301.070 and subsection (1) of KRS 301.030.

With Committee amendments thereto.

H. B. No. 305. An Act to amend Section 298.100 of the Kentucky Revised Statutes relating to the annual statement of condition required of a domestic insurance company.

Ordered that said bills and said resolution be read at length the second time.

Mr. John C. Watts moved that the Constitutional provision as to the second reading at length of said bills and said resolution be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and said resolution having been dispensed with, said bills and said resolution were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. John C. Watts moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

The Speaker announced that he had referred bills heretofore reported as follows, viz.:

Senate Bill No. 81—To the Committee on Kentucky Statutes No. 1.

Senate Bill No. 230—To the Committee on Kentucky Statutes No. 1.

Senate Bill No. 80—To the Committee on Kentucky Statutes No. 1.

Mr. John C. Watts moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to by a majority of the members elected.

Whereupon bills of the following titles were introduced, viz.:

By Mr. John C. Watts.

H. B. No. 398. An Act amending Section 15.115 of the Kentucky Revised Statutes whereby provision is made for the appointment of four additional Assistant Attorneys-General to the Department of Highways and making provisions for the salaries of each, the time of payment and the term of appointment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 15.115 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Attorney General with the approval of the Commissioner of Highways, may appoint additional assistant attorneys-general, not exceeding four (4), to aid the Assistant Attorney General assigned to the Department of Highways in the performance of his duties. The salary of each attorney shall be fixed by the Commissioner of Highways with the approval of the Attorney General not exceeding the sum of forty-five hundred dollars ($4,500), and shall be payable in monthly installments out of the State Road Fund.

(2) Such attorneys shall serve not longer than the term of the Attorney General making the appointment, unless sooner removed by him.

By Mr. Burnley.

H. B. No. 399. An Act relating to banks and trust companies acting in fiduciary or similar capacities; amending KRS 287.220.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 287.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) When acting as a fiduciary or in any other capacity in which the duties, powers, liabilities, rights and compensation are regulated by law, or under control or supervision of the court, banks and trust companies shall, except as provided in subsection (2), be subject to the same duties and responsibilities, have the same rights and powers, and receive the same compensation as is allowed the individual holding or exercising similar offices or trusts.

(2) Upon all bonds required to be executed by such corporation before any court, the court may accept as security a pledge of the surplus of the corporation, upon satisfactory proof that the corporation has such amount of surplus, not

otherwise pledged, as will be sufficient to furnish adequate security. Otherwise, the corporation shall be required to furnish surety the same as individual fiduciaries.

§ 2. Any bank or trust company which, prior to the effective date of this Act, has been permitted to execute a fiduciary bond before any court upon the security of its capital stock, shall, within thirty days after the effective date of this Act, furnish a new bond with security or surety complying with the provisions of KRS 287.220, as amended. On default thereof, the court shall remove such bank or trust company from its fiduciary capacity.

By Messrs. Coleman and Christian.

H. B. No. 400. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance written by fire, marine and fire and marine insurance companies on risks located in this state, including inland marine insurance; to regulate rating organizations, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1—PURPOSE OF ACT

The purpose of this Act is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory, and to authorize and regulate cooperative action among insurers in rate making and in other matters within the scope of this Act. Nothing in this Act is intended (1) to prohibit or discourage reasonable competition, or (2) to prohibit, or encourage except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating systems, rating plans or practices. This Act shall be liberally interpreted to carry into effect the provisions of this Section.

Sec. 2—SCOPE OF ACT

(1) This Act applies to all kinds, types or forms of fire, marine, inland marine insurance and allied lines on risks

located in this state. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the Director of insurance, hereinafter referred to as Director, or as established by general custom of the business, as inland marine insurance. With respect to such kinds, types or forms of insurance, this Act applies to inter-insurers or reciprocal underwriters regulated by Sections 302.080 to 302.140, inclusive of the Kentucky Revised Statutes, and mutual insurers regulated by Sections 301.010 to 301.140, inclusive, of the Kentucky Revised Statutes, and insurers operating on the Lloyd's Plan, regulated by Sections 302.150 to 302.230, inclusive, of the Kentucky Revised Statutes.

(2) This Act shall not apply

(a) to reinsurance, other than joint reinsurance to the extent stated in Section 11;

(b) to insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine insurance policies;

(c) to insurance of hulls of aircraft, including accessories and equipment, and insurance against liability for damage to property or injury to persons arising out of the ownership, maintenance or use of aircraft.

(d) to motor vehicle insurance nor to insurance against liability arising out of the ownership, maintenance or use of motor vehicles.

(3) The provisions of this Act shall not apply to assessment or cooperative companies operating under the provisions of Chapter 299 of the Kentucky Revised Statutes.

(4) The provisions of this Act shall not apply to Domestic Mutual Fire Insurance Companies operating in this State only, which are not subject to Sections 301.010 to 301.140, inclusive, of the Kentucky Revised Statutes.

(5) If any kind of insurance, subdivision or combination thereof, or type of coverage subject to this Act, is also subject to regulation by another rate regulatory act of this State, an insurer to which both acts are otherwise applicable shall file

with the Director a designation as to which rate regulatory act shall be applicable to it with respect to such kind of insurance, subdivision or combination thereof, or type of coverage.

Sec. 3—Making of Rates

(1) Rates shall be made in accordance with the following provisions:

(a) Manual, minimum, class rates, rating schedules or rating plans, shall be made and adopted, except in the case of specific inland marine rates on risks specially rated.

(b) Rates shall not be excessive, inadequate or unfairly discriminatory.

(c) Due consideration shall be given to past and prospective loss experience within and outside this state, to the conflagration and catastrophe hazards, to a reasonable margin for profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both countrywide and those specially applicable to this state, and to all other relevant factors within and outside this state; and in the case of fire insurance rates consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five year period for which such experience is available.

(2) Except to the extent necessary to meet the provisions of paragraph (b) of subsection (1) of this Section, uniformity among insurers in any matters within the scope of this Section is neither required nor prohibited.

(3) Rates made in accordance with this section may be used subject to the provisions of this Act.

Sec. 4—Rate Filings

(1) Every insurer shall file with the Director, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such fil-

ing shall state the proposed effective date thereof and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing and the Director does not have sufficient information to determine whether such filing meets the requirements of this Act, he shall require such insurer to furnish the information upon which it supports such filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include (1) the experience or judgment of the insurer or rating organization making the filing, (2) its interpretation of any statistical data it relies upon, (3) the experience of other insurers or rating organizations, or (4) any other relevant factors. A filing and any supporting information shall be open to public inspection after the filing becomes effective. Specific inland marine rates or risks specially rated made by a rating organization, shall be filed with the Director.

(2) An insurer may satisfy its obligation to make such filing by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the Director to accept such filings on its behalf; provided, that nothing contained in this Act shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(3) The Director shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this Act.

(4) Subject to the exception specified in subsection (5) of this section, each filing shall be on file for a waiting period of fifteen days before it becomes effective, which period may be extended by the Director for an additional period not to exceed fifteen days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the Director may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing

shall be deemed to meet the requirements of this Act unless disapproved by the Director within the waiting period or any extension thereof.

(5) Specific inland marine rates on risks specially rated by a rating organization shall become effective when filed and shall be deemed to meet the requirements of this Act until such time as the Director reviews the filing and so long thereafter as the filing remains in effect.

(6) Under such rules and regulations as he shall adopt the Director may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The Director may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in paragraph (b) of subsection (1) of Section 3.

(7) Upon the written application of the insured, stating his reasons therefor, filed with and approved by the Director, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(8) No insurer shall make or issue a contract or policy except in accordance with filings which are in effect for said insurer as provided in this Act or in accordance with subsections (6) or (7) of this Section. This subsection shall not apply to contracts or policies for inland marine risks as to which filings are not required.

Sec. 5—Disapproval of Filings

(1) If within the waiting period or any extension thereof as provided in subsection (4) of Section 4, the Director finds that a filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing, written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of this Act and stating that such filing shall not become effective.

(2) If within thirty days after a specific inland marine rate on a risk specially rated by a rating organization, subject

to subsection (5) of Section 4 has become effective, the Director finds that such filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing, written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of this Act and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Said disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in said notice.

(3) If at any time subsequent to the applicable review period provided for in subsection (1) or (2) of this section, the Director finds that a filing does not meet the requirements of this Act, he shall, after a hearing held upon not less than ten days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that such filing fails to meet the requirements of this Act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(4) Any person or organization aggrieved with respect to any filing which is in effect may make written application to the Director for a hearing thereon, provided, however, that the insurer or rating organization that made the filing shall not be authorized to proceed under this subsection. Such application shall specify the grounds to be relied upon by the applicant. If the Director shall find that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, he shall, within thirty days after receipt of such application, hold a hearing upon not less than ten days' written notice to the applicant and to every insurer and rating organization which made such filing.

If, after such hearing, the Director finds that the filing does not meet the requirements of this Act, he shall issue an order specifying in what respects he finds that such filing fails

to meet the requirements of this Act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to the applicant and to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(5) No manual, minimum, class rate, rating schedule, rating plan, rating rule or any modification of any of the foregoing which has been filed pursuant to the requirements of Section 4 of this Act shall be disapproved if the rates thereby produced meet the requirements of this Act.

Sec. 6—Rating Organizations

(1) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the Director for license as a rating organization for such kinds of insurance, or subdivision or class of risk or a part or combination thereof as are specified in its application and shall file therewith (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its by-laws, rules, and regulations governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of this state upon whom notices or orders of the Director or process affecting such rating organization may be served and (4) a statement of its qualifications as a rating organization. If the Director finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its by-laws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall issue a license specifying the kinds of insurance, or subdivision or class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the Director within sixty days of the date of its filing with him. Licenses issued pursuant to this Section shall remain in effect for three years unless sooner suspended or

revoked by the Director. The fee for said license shall be twenty-five dollars. Licenses issued pursuant to this Section may be suspended or revoked by the Director, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the Director promptly of every change in (1) its constitution, its articles of agreement or association, or its certificate of incorporaton, and its by-laws, rules and regulations governing the conduct of its business, (2) its list of members and subscribers and (3) the name and address of the resident of this state designated by it upon whom notices or orders of the Director or process affecting such rating organization may be served.

(2) Subject to rules and regulations which have been approved by the Director as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance, subdivision, or class of risk or a part or combination thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the Director at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber or insurer. If the Director finds that such rule or regulation is unreasonable in its application to subscribers, he shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review by the Director as if the application had been rejected. If the Director finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, he shall order the rating organization to admit the insurer as a subscriber. If he finds that the action of the

rating organization was justified, he shall make an order affirming its action.

(3) No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

(4) Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of this Act is hereby authorized, provided the filings resulting from such cooperation are subject to all the provisions of this Act which are applicable to filings generally. The Director may review such cooperative activities and practices and if, after a hearing, he finds that any such activity or practice is unfair and unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respect such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, and requiring the discontinuance of such activity or practice.

(5) Any rating organization may provide for the examination of policies, daily reports, binders, renewal certificates, endorsements or other evidences of insurance, or the cancellation thereof, and may make reasonable rules governing their submission. Such rules shall contain a provision that in the event any insurer does not within sixty days furnish satisfactory evidence to the rating organization of the correction of any error or omission previously called to its attention by the rating organization, it shall be the duty of the rating organization to notify the Director thereof. All information so submitted for examination shall be confidential.

(6) Any rating organization may subscribe for or purchase actuarial, technical or other services, and such services shall be available to all members and subscribers without discrimination.

Sec. 7—Deviations

Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written applica-

tion to the Director for permission to file a deviation from the class rates, schedules, rating plans or rules respecting any kind of insurance, or class of risk within a kind of insurance, or combination thereof. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to such rating organization. The Director shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days' written notice thereof. In the event the Director is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. In considering the application for permission to file such deviation the Director shall give consideration to the available statistics and the principles for rate making as provided in Section 3 of this Act. The Director shall issue an order permitting the deviation for such insurer to be filed if he finds it to be justified and it shall thereupon become effective. He shall issue an order denying such application if he finds that the resulting premiums would be excessive, inadequate or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of one year from the date of such permission unless terminated sooner with the approval of the Director.

Sec. 8—Appeal by Minority

Any member of or subscriber to a rating organization may appeal to the Director from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the Director shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal, or, if such appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, he may, in the event he finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner

consistent with his findings, within a reasonable time after the issuance of such order.

Sec. 9—Information to be Furnished Insureds; Hearings and Appeals of Insureds

Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate. Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer on such request may, within thirty days after written notice of such action, appeal to the Director, who, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

Sec. 10—Advisory Organizations

(1) Every group, association or other organization of insurers, whether located within or outside this state, which assists insurers which make their own filings or rating organizations in rate making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under this Act, shall be known as an advisory organization.

(2) Every advisory organization shall file with the Director (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation and of its by-laws, rules and regulations governing its activities,

(2) a list of its members, (3) the name and address of a resident of this state upon whom notices or orders of the Director or process issued at his direction may be served, and (4) an agreement that the Director may examine such advisory organization in accordance with the provisions of Section 12 of this Act.

(3) If, after a hearing, the Director finds that the furnishing of such information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respects such act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, and requiring the discontinuance of such act or practice.

(4) No insurer which makes its own filings nor any rating organization shall support its filings by statistics or adopt rate making recommendations, furnished to it by an advisory organization which has not complied with this Section or with an order of the Director involving such statistics or recommendations issued under subsection (3) of this Section. If the Director finds such insurer or rating organization to be in violation of this subsection he may issue an order requiring the discontinuance of such violation.

Sec. 11—Joint Underwriting or Joint Reinsurance

(1) Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other provisions of this Act and, with respect to joint reinsurance, to Sections 12, 14 and 16 to 23 of this Act.

(2) If, after a hearing, the Director finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the

provisions of this Act, and requiring the discontinuance of such activity or practice.

Sec. 12—Examinations

The Director shall, at least once in five years, make or cause to be made an examination of each rating organization licensed in this state as provided in Section 6 and he may, as often as he may deem it expedient, make or cause to be made an examination of each advisory organization referred to in Section 10 and of each group, association or other organization referred to in Section 11. The reasonable costs of any such examination shall be paid by the rating organization, advisory organization, or group, association or other organization examined upon presentation to it of a detailed account of such costs. The officers, manager, agents and employees of such rating organization, advisory organization, or group, association or other organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents, or agreements governing its method of operation. The Director shall furnish two copies of the examination report to the organization, group or association examined and shall notify such organization, group or association that it may, within twenty days thereafter, request a hearing on said report or on any facts or recommendations therein. Before filing any such report for public inspection, the Director shall grant a hearing to the organization, group or association examined. The report of any such examination, when filed for public inspection, shall be admissible in evidence in any action or proceeding brought by the Director against the organization, group or association examined, or its officers or agents, and shall be prima facie evidence of the facts stated herein. The Director may withhold the report of any such examination from public inspection for such time as he may deem proper. In lieu of any such examination the Director may accept the report of an examination made by the insurance supervisory official of another state, pursuant to the laws of such state.

Sec. 13.—Rating Administration

(1) Recording and Reporting of Loss and Expense Experience.

The Director shall promulgate reasonable rules and statistical plans, reasonably adopted to each of the rating systems on file with him, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and country-wide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid him in determining whether the rating systems comply with the standards set forth in Section 3. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of country-wide expense experience. In promulgating such rules and plans, the Director shall give due consideration to the rating systems on file with him and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it. The Director may designate one or more rating organizations or other agencies to assist him in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the Director, to insurers and rating organizations.

(2) Interchange of Rating Plan Data.

Reasonable rules and plans may be promulgated by the Director for the interchange of data necessary for the application of rating plans.

(3) Consultation with Other States.

In order to further uniform administration of rate regulatory laws, the Director and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult with them with respect to rate making and the application of rating systems.

Sec. 14.—Rules and Regulations

The Director may make reasonable rules and regulations necessary to effect the purpose of this Act.

15.—False or Misleading Information

No person or organization shall willfully withold information from, or knowingly give false or misleading information to, the Director, any statistical agency designated by the Director, any rating organization, or any insurer, which will affect the rates or premiums chargeable under this Act. A violation of this Section shall subject the one guilty of such violation to the penalties provided in Sections 17 and 18 of this Act.

Sec. 16. Rebates Prohibited

No insurer or employee thereof, and no agent shall knowingly charge, demand or receive a premium for any policy of insurance except in accordance with the applicable filing on file with the Director. No insurer or employee thereof, and no agent shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent provided for in such applicable filing. No insured named in a policy of insurance, nor any employee of such insured shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement or reduction of premium, or any special favor or advantage or valuable consideration or inducement. Nothing herein contained shall be construed as prohibiting the payment of commissions or other compensation to duly licensed agents and brokers, nor as prohibiting any participating insurer from distributing to its policyholders dividends, savings or the unused or unabsorbed portion of premiums and premium deposits.

Sec. 17.—Penalties

Any person or organization violating any provision of

this Act shall upon conviction, be fined not more than fifty dollars ($50) for each such violation, but if such violation is found to be willful said person or organization shall be fined not more than five hundred dollars ($500) for each such violation. Such penalties may be in addition to any other penalty provided by law.

Sec. 18.—Suspension of License

The Director may suspend the license of any rating organization or insurer which fails to comply with an order of the Director within the time limited by such order, or any extension thereof which the Director may grant. The Director shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or if an appeal has been taken, until such order has been affirmed. The Director may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed. No license shall be suspended or revoked except upon a written order of the Director, stating his findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

Sec. 19.—Hearings, Procedure

(1) Any insurer or rating organization aggrieved by any order or decision of the Director made without a hearing, may, within thirty days after notice of the order to the insurer or organization, make written request to the Director for a hearing thereon. The Director shall hear such party or parties within twenty days after receipt of such request and shall give not less than ten days' written notice of the time and place of the hearing. Within fifteen days after such hearing the Director shall affirm, reverse or modify his previous action, specifying his reasons therefor. Pending such hearing and decision thereon the Director may suspend or postpone the effective date of his previous action.

(2) Nothing contined in this Act shall require the observance at any hearing of formal rules of pleading or evidence.

Sec. 20.—Judicial Review

(1) Any order or decision of the Director shall be subject to review by appeal to the Franklin Circuit Court at the instance of any party in interest, who shall, within twenty (20) days after such order or decision has become final, file a petition for review in said Court. The petition shall state fully the grounds upon which the review is sought, assign all errors relied on and be verified by the petitioner, who shall furnish copies of the petition to the respondents at the time of filing. Summons shall issue, upon the petition, directing the adverse party to file answer within fifteen (15) days after service thereof, and directing the Director to certify to the Court the complete record of the proceedings upon which such order or decision is based.

(2) No new or additional evidence may be introduced in the Circuit Court except as to fraud or misconduct of some person engaged in the administration of this Act and affecting the order or decision appealed from, but the Court shall otherwise hear the cause upon the record as certified by the Director. Such appeal shall not be limited to questions of law. The Court shall determine whether the appeal shall operate as a stay of any such order or decision of the Director. The Court may, in disposing of the issue before it, affirm, modify, or reverse the order or decision of the Director in whole or in part, or remand the action to the Director for further proceedings in accordance with the direction of the Court.

Sec. 21.—Laws Amended and Repealed

Sub-section (3) of Section 302.080 of the Kentucky Revised Statutes is amended to read as follows:

"Except as provided in KRS 136.370, 296.320, 302.080 to 302.140 and in this Act no law of this State relating to insurance shall apply to the exchange of indemnity contracts as regulated by KRS 302.080 to 302.140."

Sections 296.390, 296.400, 296.410, 296.420, 296.430, 296.440, 296.450, 296.460, 296.470, 296.480, 296.490, 296.500, 296.510 and 296.520, subsection (10) of Section 296.990, and Sections 298.240 to 298.300 of the Kentucky Revised Statutes are hereby repealed; provided, that filings which have become effective under Sections 296.390 to 296.520, inclusive, KRS and licenses issued to rating organizations in accordance with said sections shall remain in effect subject to the provisions of this Act. All other laws or parts of laws in conflict with or inconsistent with the provisions of this Act are hereby repealed to the extent of such conflict or inconsistency.

Sec. 22.—CONSTITUTIONALITY

If any section, subsection, subdivision, paragraph, sentence or clause of this Act is held invalid or unconstitutional, such decision shall not affect the remaining portions of this Act.

Sec. 23.—EFFECTIVE DATE

This Act shall take effect as provided by law.

H. B. No. 401. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance, written by casualty insurance and surety companies on risks or operations in this State, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec 1. PURPOSE OF ACT.

The purpose of this Act is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory, and to authorize and regulate cooperative action among insurers in rate making and in other matters within the scope of this Act. Nothing in this Act is intended (1) to prohibit or discourage reasonable competition, or (2) to prohibit, or encourage except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating

systems, rating plans and practices. This Act shall be liberally interpreted to carry into effect the provisions of this Section.

Sec. 2. SCOPE OF ACT.

This Act applies to all kinds, types or forms of casualty insurance on risks or operations in this State, including fidelity, surety and guarnaty bonds and all other kinds, types or forms of motor vehicle insurance, all Workmen's Compensation and Employers' Liability Insurance, except (1) accident and health insurance, (2) credit insurance, (3) title insurance, (4) insurance against loss of or damage to, or against liability, other than Workmen's Compensation and Employers' Liability, arising out of the ownership, maintenance or use of, any aircraft, and (5) reinsurance by one or more insurers of all or part of another insurer's primary insurance risks, other than joint reinsurance to the extent stated in Section 11. With respect to such kinds, types or forms of insurance, this Act applies to all classes of companies including inter-insurers or reciprocal underwriters regulated by Sections 302.080 to 302.140, inclusive, of the Kentucky Revised Statutes, mutual insurers regulated by Sections 301.010 to 301.140, inclusive, of the Kentucky Revised Statutes, and insurers operating on the Lloyd's Plan, regulated by Sections 302.150 to 302.230, inclusive, of the Kentucky Revised Statutes. This Act shall not apply to assessment or cooperative companies organized or operating under Chapter 299 of the Kentucky Revised Statutes.

If any kind of insurance, subdivision or combination thereof, or type of coverage subject to this Act is also subject to regulation by another regulatory Act of this State, an insurer to which both Acts are otherwise applicable shall file with the Director of Insurance, hereinafter referred to as Director, a designation as to which rate regulatory Act shall be applicable to it with respect to such kind of insurance, subdivision or combination thereof, or type of coverage.

Sec. 3. MAKING OF RATES.

(1) All rates shall be made in accordance with the following provisions:

(a) Due consideration shall be given to past and prospective loss experience within and outside this State, to

catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both country-wide and those specially applicable to this State, and to all other relevant factors within and outside this State;

(b) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable;

(c) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses;

(d) Rates shall not be excessive, inadequate or unfairly discriminatory.

(2) Except to the extent necessary to meet the provisions of paragraph (d) of subsection (1) of this Section, uniformity among insurers in any matters within the scope of this Section is neither required nor prohibited.

Sec. 4. RATE FILINGS.

(1) Every insurer shall file with the Director every manual of classifications, every manual of rules and rates, every rating plan and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing and the Director does not have

sufficient information to determine whether such filing meets the requirements of this Act, he shall require such insurer to furnish the information upon which it supports such filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include (1) the experience or judgment of the insurer or rating organization making the filing, (2) its interpretation of any statistical data it relies upon, (3) the experience of other insurers or rating organizations, or (4) any other relevant factors. A filing and any supporting information shall be open to public inspection after the filing becomes effective.

(2) An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the Director to accept such filings on its behalf; provided, that nothing contained in this Act shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(3) The Director shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this Act.

(4) Subject to the exception specified in subsection (5) of this Section, each filing shall be on file for a waiting period of fifteen days before it becomes effective, which period may be extended by the Director for an additional period not to exceed fifteen days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the Director may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this Act unless disapproved by the Director within the waiting period or any extension thereof.

(5) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered

by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of this Act until such time as the Director reviews the filing and so long thereafter as the filing remains in effect.

(6) Under such rules and regulations as he shall adopt the Director may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practically be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The Director may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in paragraph (d) subsection (1) of Section 3.

(7) Upon the written application of the insured, stating his reasons therefor, filed with and approved by the Director, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(8) No insurer shall make or issue a contract or policy except in accordance with filings which are in effect for said insurer as provided in this Act or in accordance with subsections (6) or (7) of this Section.

Sec. 5. Disapproval of Filings.

(1) If within the waiting period or any extension thereof as provided in subsection (4) of Section 4, the Director finds that a filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of this Act and stating that such filing shall not become effective.

(2) If within thirty days after a special surety or guaranty filing subject to subsection (5) of Section 4 has become effective, the Director finds that such filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what

respects he finds that such filing fails to meet the requirements of this Act and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Said disapproval shall not effect any contract made or issued prior to the expiration of the period set forth in said notice.

(3) If at any time subsequent to the applicable review period provided for in subsection (1) or (2) of this Section, the Director finds that a filing does not meet the requirements of this Act, he shall, after a hearing held upon not less than ten days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that such filing fails to meet the requirements of this Act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(4) Any person or organization aggrieved with respect to any filing which is in effect may make written application to the Director for a hearing thereon, provided, however, that the insurer or rating organization that made the filing shall not be authorized to proceed under this subsection. Such application shall specify the grounds to be relied upon by the applicant. If the Director shall find that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, he shall, within thirty days after receipt of such application, hold a hearing upon not less than ten days' written notice to the applicant and to every insurer and rating organization which made such filing.

If, after such hearing, the Director finds that the filing does not meet the requirements of this Act, he shall issue an order specifying in what respects he finds that such filing fails to meet the requirements of this Act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to the applicant and to every such insurer and rating

organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(5) No manual of classifications, rules, rating plan or any modification of any of the foregoing which establishes standards for measuring variations in hazards or expense provisions, or both, and which has been filed pursuant to the requirements of Section 4 of this Act, shall be disapproved if the rates thereby produced meet the requirements of this Act.

Sec. 6. RATING ORGANIZATIONS.

(1) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the Director for license as a rating organization for such kinds of insurance or subdivisions thereof as are specified in its application and shall file therewith (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its by-laws, rules and regulations governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of this state upon whom notices or orders of the Director or process affecting such rating organization may be served and (4) a statement of its qualifications as a rating organization. If the Director finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its by-laws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall issue a license specifying the kinds of insurance or subdivisions thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the Director within sixty days of the date of its filing with him. Licenses issued pursuant to this Section shall remain in effect for three years unless sooner suspended or revoked by the Director. The fee for said license shall be twenty-five dollars. Licenses issued pursuant to this Section may be suspended or revoked by the Director, after hearing upon

notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the Director promptly of every change in (1) its constitution, its articles of agreement or association or its certificate of incorporation, and its by-laws, rules and regulations governing the conduct of its business, (2) its list of members and subscribers and (3) the name and address of the resident of this state designated by it upon whom notices or orders of the Director or process affecting such rating organization may be served.

(2) Subject to rules and regulations which have been approved by the Director as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance or subdivision thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the Director at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber or insurer. If the Director finds that such rule or regulation is unreasonable in its application to subscribers, he shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review by the Director as if the application had been rejected. If the Director finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, he shall order the rating organization to admit the insurer as a subscriber. If he finds that the action of the rating organization was justified, he shall make an order affirming its action.

(3) No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits al-

lowed or returned by insurer to their policyholders, members or subscribers.

(4) Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of this Act is hereby authorized, provided the filings resulting from such cooperation are subject to all the provisions of this Act which are applicable to filings generally. The Director may review such cooperative activities and practices and if, after a hearing, he finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, and requiring the discontinuance of such activity or practice.

Sec. 7. DEVIATIONS.

Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the Director for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, or for a class of insurance which is found by the Director to be a proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of a kind of insurance (1) comprised of a group of manual classifications which is treated as a separate unit for rate making purposes, or (2) for which separate expense provisions are included in the filings of the rating organization. Such application shall specify the basis for the modification and shall be accompanied by the data upon which the applicant relies. A copy of the application and data shall be sent simultaneously to such rating organization. The Director shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days' written notice thereof. In the event the Director is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. The Director shall issue an

order permitting the modification for such insurer to be filed if he finds it to be justified and it shall thereupon become effective. He shall issue an order denying such application if he finds that the modification is not justified or that the resulting premiums would be excessive, inadequate or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of one year from the date of such permission unless terminated sooner with the approval of the Director.

Sec. 8.. Appeal by Minority.

Any member of or subscriber to a rating organization may appeal to the Director from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the Director shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal, or, if such appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, he may, in the event he finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with his findings, within a reasonable time after the issuance of such order.

If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense provisions, which differs, in accordance with the right granted in paragraph (b) of subsection (1) of Section 3, from the system of expense provisions included in a filing made by the rating organization, the Director shall, if he grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal the Director shall apply the standards set forth in Section 3.

Sec. 9. Information to be Furnished Insureds; Hearings and Appeals of Insureds.

Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate.

Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer on such request may, within thirty days after written notice of such action, appeal to the Director, who, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

Sec. 10. Advisory Organizations.

(1) Every group, association or other organization of insurers, whether located within or outside this state, which assists insurers which make their own filings or rating organizations in rate making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under this Act, shall be known as an advisory organization.

(2) Every advisory organization shall file with the Director (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation and of its by-laws, rules and regulations governing its activities, (2) a list of its members, (3) the name and address of a resident of this state upon whom notices or orders of the Director or process issued at his direction may be served, and (4) an agreement that the Director may examine such ad-

visory organization in accordance with the provisions of Section 12 of this Act.

(3) If, after a hearing, the Director finds that the furnishing of such information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respects such act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, and requiring the discontinuance of such act or practice.

(4) No insurer which makes its own filings nor any rating organization shall support its filings by statistics or adopt rate making recommendations, furnished to it by an advisory organization which has not complied with this Section or with an order of the Director involving such statistics or recommendations issued under subsection (3) of this Section. If the Director finds such insurer or rating organization to be in violation of this subsection he may issue an order requiring the discontinuance of such violation.

Sec. 11. Joint Underwriting or Joint Reinsurance.

(1) Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject however, with respect to joint underwriting, to all other provisions of this Act and, with respect to joint reinsurance, to Sections 12, 14 and 17 to 24 of this Act.

(2) If, after a hearing, the Director finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, and requiring the discontinuance of such activity or practice.

Sec. 12. Examinations.

The Director shall, at least once in five years, make or cause to be made an examination of each rating organization licensed in this state as provided in Section 6 and he may, as often as he may deem it expedient, make or cause to be

made an examination of each advisory organization referred to in Section 10 and of each group, association or other organization referred to in Section 11. The reasonable costs of any such examination shall be paid by the rating organization, advisory organization, or group, association or other organization examined upon presentation to it of a detailed account of such costs. The officer, manager, agents and employees of such rating organization, advisory organization, or group, association or other organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents, or agreements governing its method of operation. The Director shall furnish two copies of the examination report to the organization, group or association examined and shall notify such organization, group or association that it may, within twenty days thereafter, request a hearing on said report or on any facts or recommendations therein. Before filing any such report for public inspection, the Director shall grant a hearing to the organization, group or association examined. The report of any such examination, when filed for public inspection, shall be admissible in evidence in any action or proceeding brought by the Director against the organization, group or association examined, or its officers or agents, and shall be prima facie evidence of the facts stated therein. The Director may withhold the report of any such examination from public inspection for such time as he may deem proper. In lieu of any such examination the Director may accept the report of an examination made by the insurance supervisory official of another state, pursuant to the laws of such state.

Sec. 13. Rate Administration.

(1) Recording and Reporting of Loss and Expense Experience. The Director shall promulgate reasonable rules and statistical plans, recently adapted to each of the rating systems on file with him, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss, and countrywide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid him in determining whether

rating systems comply with the standards set forth in Section 3. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience. In promulgating such rules and plans, the Director shall give due consideration to the rating systems on file with him and, in order that such rules and plans may be as uniform as is practicable among the several states to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it. The Director may designate one or more rating organizations or other agencies to assist him in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the Director, to insurers and rating organizations.

(2) Interchange of Rating Plan Data. Reasonable rules and plans may be promulgated by the Director for the interchange of data necessary for the application of rating plans.

(3) Consultation with Other States. In order to further uniform administration of rate regulatory laws, the Director and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult with them with respect to rate making and the application of rating systems.

Sec. 14. Rules and Regulations.

The Director may make reasonable rules and regulations necessary to effect the purposes of this Act.

Sec. 15. False or Misleading Information.

No person or organization shall willfully withhold information from, or knowingly give false or misleading information to, the Director, any statistical agency designated by the Director, any rating organization, or any insurer, which will affect the rates or premiums chargeable under this Act. A violation to this Section shall subject the one guilty of

such violation to the penalties provided in Sections 18 and 19 of this Act.

Sec. 16. Assigned Risks.

Agreements may be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, such agreements and rate modifications to be subject to the approval of the Director.

Sec. 17. Rebate Prohibited.

(1) No insurer or employee thereof, and no agent shall knowingly charge, demand or receive a premium for any policy of insurance except in accordance with the applicable filing on file with the Director. No insurer or employee thereof, and no agent shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent provided for in such applicable filing. No insured named in a policy of insurance, nor any employee of such insured shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement or reduction of premium, or any special favor or advantage or valuable consideration or inducement. Nothing herein contained shall be construed as prohibiting the payment of commissions or other compensation to duly licensed agents and brokers, nor as prohibiting any participating insurer from distributing to its policyholders dividends, savings or the unused or unabsorbed portion of premiums and premium deposits.

(2) As used in this Section the word "insurance" includes suretyship and the word "policy" includes bond.

Sec. 18. PENALTIES.

Any person or organization violating any provision of this Act shall, upon conviction, be fined not more than fifty dollars ($50) for each such violation, but if such violation is found to be willfull said person or organization shall be fined not more than five hundred dollars ($500) for each such violation. Such penalty may be in addition to any other penalty provided by law.

Sec. 19. SUSPENSION OF LICENSE.

The Director may suspend the license of any rating organization or insurer which fails to comply with an order of the Director within the time limited by such order, or any extension thereof which the Director may grant. The Director shall not suspend the license of any rating organization or insurer for failure to comply with an order or if an appeal has been taken, until such order has been affirmed. The Director may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed. No license shall be suspended or revoked except upon a written order of the Director, stating his findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

Sec. 20. HEARINGS, PROCEDURE.

(1) Any insurer or rating organization aggrieved by any order or decision of the Director made without a hearing, may, within thirty days after notice of the order to the insurer or organization, make written request to the Director for a hearing thereon. The Director shall hear such party or parties within twenty days after receipt of such request and shall give not less than ten days' written notice of the time and place of the hearing. Within fifteen days after such hearing the Director shall affirm, reverse or modify his previous action, specifying his reasons therefor. Pending such hearing and decision thereon the Director may suspend or postpone the effective date of his previous action.

(2) Nothing contained in this Act shall require the observance at any hearing of formal rules of pleading or evidence.

Sec 21. JUDICIAL REVIEW.

(1) Any order or decision of the Director shall be subject to review by appeal to the Franklin Circuit Court at the instance of any party in interest, who shall, within twenty days after such order or decision has become final, file a petition for review in said court. The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner, who shall furnish copies of the petition to the respondents at the time of filing. Summons shall issue, upon the petition, directing the adverse party to file answer within fifteen days after service thereof, and directing the Director to certify to the court the complete record of the proceedings upon which such order or decision is based.

(2) No new or additional evidence may be introduced in the Circuit Court except as to fraud or misconduct of some person engaged in the administration of this Act and affecting the order or decision appealed from, but the court shall otherwise hear the cause upon the record as certified by the Director. Such appeal shall not be limited to questions of law. The court shall determine whether the appeal shall operate as a stay of any such order or decision of the Director. The court may, in disposing of the issue before it, affirm, modify, or reverse the order or decision of the Director in whole or in part, or remand the action to the Director for further proceedings in accordance with the direction of the court.

Sec. 22. LAWS AMENDED AND REPEALED.

Subsection (3) of Section 302.080 of the Kentucky Revised Statutes is amended to read as follows:

"(3) Except as provided in KRS 136.370, 296.320, 302.080 to 302.140 and in this Act no law of this State relating to insurance shall apply to the exchange of indemnity contracts as regulated by KRS 302.080 to 302.140."

Sections 296.530, 296.540, 296.550, 296.560, 296.570, 296.580, 296.590, 296.600, 296.610, 296.620, 296.630, 296.640, 296.650,

296.660, 296.670, and 296.680, subsection (11) of Section 296.990, section 342.385 and subsection (2) of Section 342.545 of the Kentucky Revised Statutes are hereby repealed; provided, that filings which have become effective under Sections 296.530 to 296.680, inclusive, KRS and licenses issued to rating organizations in accordance with said sections shall remain in effect subject to the provisions of this Act. All other laws or parts of laws in conflict with or inconsistent with the provisions of this Act are hereby repealed to the extent of such conflict or inconsistency.

Sec. 23. CONSTITUTIONALITY.

If any section, subsection, subdivision, paragraph, sentence or clause of this Act is held invalid or unconstitutional, such decision shall not affect the remaining portions of this Act.

Sec. 24. EFFECTIVE DATE.

This Act shall take effect as provided by law.

By Mrs. Burnett and Messrs. Cline and Baer.

H. B. No. 402. An Act pertaining to child labor and employment and regulation of employment of infants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, "gainful occupation" does not include employment in farm work or in domestic service in a private home, nor occasional employment by a householder in connection with the household and not in connection with the householder's business or occupation, such as grass cutting or carrying ashes or similar casual domestic tasks.

Sec. 2. No minor under fourteen years of age shall be employed, permitted, or suffered to work in, about or in connection with any gainful occupation at any time.

Sec. 3. A minor who has passed his fourteenth birthday but is under sixteen years of age may be employed, permitted

or suffered to work in, about or in connection with any gainful occupation, except:

(1) He may not be employed during school hours unless he has been found incapable of profiting by further instruction, as provided in Section 9 of this Act, and then only in such occupations as are authorized in accordance with that section, or unless he has graduated from high school.

(2) He may not be employed:

(a) In, about or in connection with any manufacturing or mechanical establishment.

(b) On or in connection with any power-driven machinery except under school supervision as provided in Section 22.

(c) As a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

(d) In the manufacture, transportation, or use of explosives or highly inflammable substances; in or about mines or quarries; in any tunnel or excavation; in logging operations or in any sawmill, lath mill, shingle mill, or cooperage stock mill; as engineers, firemen, brakemen, or switchmen on any railroad; in the operation of motor vehicles; upon any scaffolding or in heavy construction work; in operating steam boilers carrying a pressure of 15 pounds or more; in operating or assisting in operating elevators, cranes, derricks or hoists; in operating or assisting in operating any punch presses or stamping machines, metal or paper cutting machines having a guillotine action, metal shears or plate bending machines, machines used for cold rolling of heavy metal stock, woodworking machines, grinding, abrasive or polishing machines, laundry or dry cleaning machines, calendar rolls or mixing rolls in paper or rubber manufacturing, dough breakers or dough mixing machines, or machines used for opening, picking or carding of cotton or wool; in ore reduction works; smelters; hot rolling mills; plant manufacturing iron and steel; foundries; forging shops, and in any other place in which the heating, melting or heat treatment of metals is carried on; in the manufacture or use of dangerous or poisonous dyes or chemicals and their compounds, or in the manufacture of lead, or in exposure to lead or its compounds; in

any occupation involving exposure to radioactive substances; in oiling or cleaning machinery in motion; in stone cutting or polishing; or in assorting, manufacturing or packing tobacco.

(e) In, about or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled sold for comsumption or dispensed (except he may be employed in places where the sale of alcoholic beverages by the package is merely incidental to the main business actually conducted); or in a public bowling alley, or in a pool or billiard room.

(f) In any place of employment, or at any occupation, that is hazardous or injurious to the life, health, safety or welfare of such minor.

(3) A female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupation pursued in any street or public place.

Sec. 4 A minor who has passed his sixteenth birthday but is under eighteen may be employed, permitted, or suffered to work in, about or in connection with any gainful occupation, except the occupations enumerated or described in paragraphs (d), (e) and (f) of subsection (2) of Section 3 of this Act, and except that a female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupations pursued in any street or public place.

Sec. 5. No person shall furnish or sell to any minor any article of any description with the knowledge that the minor intends to sell said article in violation of this Act. No person shall continue to furnish or sell articles of any description to a minor after having received written notice from any officer charged with the enforcement of this Act, or from the officer issuing employment certificates, that the minor is not permitted to sell such articles.

Sec. 6. (1) No minor under 18 years of age shall be employed, permitted or suffered to work in any gainful oc-

cupation more than six consecutive days in any one week, nor more than eight hours in any one day, nor more than forty hours in any week.

(2) No minor under sixteen years of age who is attending school and working outside of school hours shall be employed, permitted or suffered to work outside of school hours for more than three hours on a school day or more than twenty-three hours during a school week.

(3) No minor of sixteen or seventeen years of age who is attending school in session during the day other than a part-time or continuation school, and working outside of school hours, shall be employed, permitted or suffered to work for more than four hours on a school day or more than twenty-eight hours during a school week.

(4) No minor under fifteen years of age shall be employed, permitted or suffered to work in any gainful occupation before seven o'clock in the morning or after six o'clock in the evening of any day; nor shall any minor fifteen years of age be employed, permitted or suffered to work before seven o'clock in the morning or after eight o'clock in the evening of any day; nor shall any minor of sixteen and seventeen years of age be employed, permitted or suffered to work before six o'clock in the morning or after ten o'clock in the evening of any day, provided that minors between sixteen and eighteen years of age may be employed in a concert or theatrical performance up to 11:00 p. m.

Sec. 7. No minor under eighteen years of age shall be permitted to work for more than five hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

Sec. 8. Before any minor under eighteen years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation, the person employing such minor shall procure and keep on file and accessible to any school attendance officer, inspector of labor or other person authorized or charged with the enforcement of this Act, an employment certificate for such minor as hereinafter provided.

Sec. 9. (1) Employment certificates shall be of three kinds: General Employment Certificates, Vacation Employment Certificates, and Special Employment Certificates. A general employment certificate shall permit the employment of minors between 16 and 18, or a minor who has completed high school, during the entire year. A vacation employment certificate shall permit the employment of minors between 14 and 16 during school vacations or outside school hours. A special employment certificate shall permit the employment during the entire year of minors of 14 and 15 years of age who have been found to be incapable of profiting from further schooling. Such special employment certificate may be issued to a minor found to be incapable of profiting by further instruction available, upon compliance with the same requirements as in the case of a general employment certificate except that a schooling record shall not be required. The fact that a minor is incapable of profiting from further instruction available shall be detemined in such manner as may be specified in the regulations of the Commissioner of Industrial Relations and the Superintendent of Public Instruction acting jointly. A special employment certificate shall not authorize the employment of a minor in or in connection with or for a factory.

(2) If on account of mental condition a minor has been exempted from attendance at school or recommended by a state child guidance clinic or other approved examiner to be placed in an institution for retarded children, the certificating officer shall issue an employment certificate to such minor only when satisfied that the work available and the supervision under which it will be performed are such that the job is suitable and safe for said minor to undertake.

Sec. 10. The employment certificates required by this Act shall be issued by the local Board of Education through its superintendent or other authorized agent, in such form and under such conditions as may be prescribed by the Department of Education.

Sec. 11. The Department of Education shall prescribe such rules and regulations for the issuance of employment certificates and age certificates as will promote uniformity

and efficiency in the administration of this Act. It shall also supply to local issuing officers all blank forms to be used in connection with the issuance of such certificates. Duplicates of each employment or age certificate shall be mailed by the issuing officer to the Department of Industrial Relations within one week after issuance.

Sec. 12. No person designated to issue employment certificates may refuse to grant such a certificate if in his judgment the best interests of the minor would be served by such refusal.

Sec. 13. The Department of Industrial Relations, the Superintendent of Public Instruction, or the officer issuing any employment certificate or age certificate, may revoke any such certificate if in its or his judgment it was improperly issued or if the minor is illegally employed, and may cancel any employment certificate or age certfícate at any time it is found that the conditions for its legal issuance do not exist. The employer shall be notified of such revocation or cancellation in writing, and such minor shall not thereafter be employed or permitted to work until a new certificate has been legally obtained. If the revocation or cancellation is made other than by the Department of Industrial Relations, the department shall be notified thereof in writing, and if the revocation cancellation is made other than by the issuing officer, such officer shall be notified thereof in writing.

Sec. 14. The person designated to issue employment certificates shall issue such certificates only upon the application in person of the minor desiring employment, accompanied in case he is under 16 years of age by his parent, guardian, or the person having control or custody of him, and after having approved and filed the following papers:

(1) A promise of employment signed by the prospective employer or by one duly authorized by him, setting forth the specific nature of the occupation in which he intends to employ such minor, and the number of hours per day and days per week which said minor shall be employed.

(2) Evidence of age showing that the minor is of the age required by this Act, which evidence shall consist of one

of the following proofs of age and shall be required in the order herein designated, as follows:

(a) A duly attested transcript of the birth certificate filed according to law with a register of vital statistics, or other officer charged with the duty of recording births, or;

(b) A baptismal certificate or transcript of the record of baptism, duly certifed, and showing the date and place of birth, or;

(c) Other documentary record of age (other than a school record not based on school census or an affidavit of age) such as a bible record, school census record, passport or transcript thereof, duly certifed; or life insurance policy which shall appear to the satisfaction of the issuing officer to be good and sufficient evidence of age, or;

(d) In the case none of the aforesaid proofs of age shall be obtainable, and only in such case, the issuing officer may accept the signed statement of the physician authorized to make the physical examination required by this section, stating that, after examination, it is his opinion that the minor has attained the age required by law for the occupation in which he expects to engage. Such statement shall be accompanied by an affidavit, signed by the minor's parent or guardian, certifying to the name, date and place of birth of the minor and that the proofs of age specified in the preceding paragraphs of this subsection cannot be produced.

(3) A statement of physical fitness, signed by a public health or public school physician, or in case there are no such physicians available, by a private physician who has examined the minor, certifying the medical examination of the minor shows that he is physically fit to be employed at the work he intends to do, or to be employed at such work under limitations specified in the statement. If the statement of physical fitness is limited, the employment certificate issued thereon shall state clearly the limitations upon its use, and shall be valid only when used under the limitations so stated. In any case where the physician shall deem it advisable, he may issue a certificate of physical fitness for a specified period of time, at the expiration of which the person for whom it was issued shall appear and be reexamined before being per-

mitted to continue to work. Such examination shall be made in accordance with standards and procedures prescribed by the Superintendent of Public Instruction in consultation with the Commissioner of Health and Commissioner of Industrial Relations, and shall be recorded on a form furnished by the Department of Education. Where examinations are given by public health or public school physicians, they shall be made without charge to the minor.

(4) A school record signed by the principal of the school which the minor last attended or by someone duly authorized by him, giving the full name, date of birth, grade last completed, scholastic standing and residence of the minor.

The officer authorized to issue employment certificates shall administer the oaths required by this section, but no fee shall be charged for administering the oaths or for issuing the certificate.

The certificate shall be issued in triplicate. One copy shall be mailed to the prospective employer of the minor for whom it is issued, one shall be sent to the Department of Industrial Relations, and one copy shall be kept on file in the issuing office. It shall be signed by the issuing officer and by the minor for whom it is issued in the presence of such officer. It shall contain the name and address of the child, the name and address of the employer, the industry and occupation in which the minor is to be employed, the type of evidence of age accepted, and such other information as the Department of Education shall require.

Sec. 15. Upon request, it shall be the duty of the officer authorized to issue employment certificates to issue to any minor between the ages of eighteen and twenty-one years desiring to enter employment a certificate of age upon presentation of the same proof of age as is required for the issuance of employment certificates under this Act.

Sec. 16. An employment certificate or certificate of age duly issued shall be conclusive evidence of the age of the minor for whom issued in any proceeding involving the employment of the minor under the child labor or workmen's compensation law or any other labor law of the state, as to any act occurring subsequent to its issuance.

Sec. 17. School districts may organize part-time schools and any child to whom an employment certificate is issued may be required to attend such school.

Sec. 18. (1) Every employer receiving an employment certificate shall, upon the commencement of the employment of such minor, so notify the issuing officer in writing, and immediately after termination of the employment shall return said certificate to the issuing officer. A new certificate shall not be issued for any minor except upon presentation of a new promise of employment and a new certificate of physical fitness. An employment certificate shall be valid only for the employer for whom issued and for the occupation designated in the promise of employment.

(2) Said employer shall, during the period of the child's employment, keep such certificate on file at the place of employment and accessible to any issuing officer, attendance officer, inspector, or other person authorized to enforce this Act. The failure of any employer to produce for inspection such employment certificate, or the presence of any minor under eighteen years of age in his place of work at any time other than that specified in the posted schedule of hours required by this Act, shall be prima facie evidence of the unlawful employment of the minor, except that in common meeting places such as drug stores and neighborhood stores, actual evidence of employment other than mere presence must be obtained.

Sec. 19. Every person employing minors under eighteen years of age shall keep a separate register containing the names, ages and addresses of such employes, and the time of commencing and stopping work for each day, and the time of the beginning and ending of the daily meal period, and shall post and keep conspicuously posted in the establishment wherein any such minor is employed, permitted or suffered to work, a printed abstract of this Act, and a list of the occupations prohibited to such minors, together with a notice stating the working hours per day for each day in the week required of them. These records and files shall be open at all times to the inspection of the school attendance and probation officers, and representatives of the Department of Industrial Relations and the Department of Education.

Sec. 20. No female under twenty-one years shall be employed or permitted to work at any occupation that compels her to remain standing constantly.

Sec. 21. The walls and ceilings of each room in every manufacturing establishment where minors are employed shall be limewashed or painted when, in the opinion of the Commissioner of Industrial Relations, it would be conducive of the health or cleanliness of the persons working there.

Sec. 22. Nothing in this Act shall prevent the use of suitable machinery for instruction in schools where the mechanical arts are taught in connection with and as part of the usual school curriculum. The use of such machinery in any public or private school shall be subject to the approval of the board of education of the district where the school is situated, and shall be subject to the general industrial safety standards as to supplying safe-guards for the protection of those using such machinery.

Sec. 23. In any manufacturing establishment where any person under twenty-one years of age is employed, the owner, his agent, superintendent or person in charge shall furnish and maintain when practicable, belt shifters or other safe mechanical contrivances to throw belts on or off pulleys. Whenever practicable, machinery therein shall be provided with loose belts. All vats, pans, saws, planes, cogs, gearings, belting, set screws and machinery which is palpably dangerous shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to any such appliance or machinery, while in use, except to make immediate repairs. All such safeguards shall be promptly replaced.

Sec. 24. (1) It shall be the duty of the Department of Industrial Relations and the inspectors and agents of said department, with the assistance of the school attendance officers, police officers and juvenile court probation officers, to enforce the provisions of this Act, to make complaints against persons violating its provisions, and to prosecute violations thereof. The Department of Industrial Relations, its inspectors and agents shall have authority to enter and

inspect at any time any place or establishment covered by this Act, and to have access to employment certificates kept on file by the employer and such other records as may aid in the enforcement of this Act. School attendance officers are likewise empowered to visit and inspect places where minors may be employed, and shall report any cases of employment that they find in violation of this Act to the Department of Industrial Relations.

(2) Any person authorized to enforce this Act may require an employer of a minor for whom an employment certificate is not on file either to furnish him within ten days the evidence required for an employment certificate showing that the minor is at least 18 years of age or to cease to employ or permit or suffer such minor to work. Proof of the making of such demand and of failure to deliver such proof of age shall be prima facie evidence, in any prosecution brought for violation of this Act, that such minor is under 18 years of age and is unlawfully employed.

Sec. 25. Whoever employs or permits or suffers any minor to be employed or to work in violation of this Act, or of any order or ruling issued under the provisions of this Act, or obstructs the Department of Industrial Relations, its officers, or agents, or any other person authorized to inspect places of employment under this Act, or whoever, having under his control or custody any minor, permits or suffers him to be employed or to work in violation of this Act, or who sells to a minor any article with the knowledge that the minor intends to sell said article in violation of this Act, shall be fined not less than twenty-five nor more than one hundred dollars. Every employer who continues to employ a minor in violation of this Act after he has been notified by the Department of Industrial Relations, its officers or agents, shall be fined twenty-five dollars for each day the violation continues and the employment of any minor in violation of this Act shall with respect to each minor so employed constitute a separate and distinct offense.

Sec. 26. Sections 339.010, 339.020, 339.030, 339.040, 339.050, 339.060, 339.070, 339.080, 339.090, 339.100, 339.110, 339.115, 339.120, 339.130, 339.140, 339.150, 339.160, 339.170,

339.180, 339.190, 339.200 and 339.990 of the Kentucky Revised Statutes are repealed.

Sec. 27. Section 159.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of education of the district in which the child resides shall exempt from the requirement of attendance upon a regular public day school every child of compulsory school age:

(a) Who is a graduate from an accredited or an approved four-year high school; or

(b) Who is enrolled and in regular attendance in a private or parochial regular day school approved by the State Board of Education; or

(c) Whose physical or mental condition prevents or renders inadvisable attendance at school or application to study; or

(d) Who is deaf or blind to an extent that renders him incapable of receiving instruction in the regular elementary or secondary schools, but whose mental condition permits application to study.

(2) Before granting an exemption under paragraph (c) of subsection (1) of this section the board of education shall require satisfactory evidence, in the form of a signed statement of a licensed physician or public health officer, that the condition of the child prevents or renders inadvisable attendance at school or application to study. On the basis of such evidence the board may exclude any such child from school.

Sec. 28. (1) Minors 16 and 17 years of age who have been lawfully employed for a period of at least ninety days prior to the effective date of this Act shall be exempt from the provisions of this Act.

(2) Minors 14 and 15 years of age who have been lawfully employed during school hours for a period of at least ninety days prior to the effective date of this Act, may continue to be so employed subject to all other provisions of this Act, notwithstanding the provisions of subsection (1) of Section 3.

By Mr. Mullins.

H. B. No. 403. An Act relating to instruction as to the nature and effect of Alcoholic Liquors and Narcotics.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 158.270 KRS is hereby amended and re-enacted to read as follows:

(1) The nature of alcoholic liquor and narcotics and their effects on the human system shall be taught in each of the grades, four to ten inclusive, of the common schools.

(2) It shall be the duty of the superintendent and principal of every school and the president of every university, college or academy to have presented by an appropriate program the economic, scientific and social aspects of alcoholic beverages, stimulants and narcotics to the entire student body in assembly for either a period of 30 minutes on at least two occasions, or for one period of one hour during each school year.

(3) The Superintendent of Public Instruction shall appoint a supervisor who shall devote his full time aiding schools in carrying out the provisions of this Act. He shall address school assemblies, provide instructional material for teachers and other school officials, and in all ways possible, aid schools to comply with the provisions of this Act.

The supervisor shall be paid in the same manner and hold qualifications comparable to other staff members of the Department of Education.

(4) When textbooks on physiology and hygiene shall be hereafter adopted or approved for the schools, such textbooks shall contain a substantial text to be approved by the Superintendent of Public Instruction, devoted to the nature of alcoholic liquors and narcotics and their effect upon the human system, provided, however, a textbook may be adopted or approved without a substantial text regarding the nature of

alcoholic liquors and narcotics if a supplement containing same is adopted or approved.

(5) For the purpose of paying the salary of the supervisor and other expenses in carrying out the provisions of this Act there is hereby appropriated from the General Expenditure Fund in the State Treasury, to the Department of Education the sum of $6,500.00 for the fiscal year 1948-49 and $6,500.00 for the fiscal year 1949-1950.

By Mr. Hibbitts.

H. B. No. 404. An Act relating to Revenue and Taxation and repealing Article III, Chapter 22, of the Acts of the General Assembly of 1906, and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Article III of Chapter 22, of the Acts of General Assembly of 1906, is hereby repealed.

§ 2. Whereas, some doubt exists as to whether the above Article was effectively repealed by the 1938 General Assembly, with result that a cloud is placed upon the title to a number of valuable tracts of land in this state, and the economic development of the state thereby is impaired, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Ordered that said bills be printed and referred.

Mrs. Burnett moved that the rules be suspended for the purpose of allowing a report of Committees.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mrs. Burnett of the Committee on Appropriations, to which the same had previously been referred, reported a resolution of the following title, viz.:

S. Res. No. 5. A Concurrent Resolution providing for payment of the per diem of the late J. T. Linton.

With the expression of opinon that same should pass.

Whereupon said resolution was read at length for the first time and

Ordered placed on the Calendar.

Mr. Hulette of the Committee on Cities of the Third Class, to which the same had previously been referred, reported bills of the following titles, viz.:

S. B. No. 132. An Act relating to cities, with particular relation to the powers of the legislative bodies of cities of the second, third and fourth classes.

S. B. No. 53. An Act relating to disability compensation and medical benefits for policemen and firemen in cities of the third and fourth classes.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Hilton of the Committee on Education No. 1, to which the same had previously been referred, reported bills of the following titles, viz.:

H. B. No. 22. An Act relating to transportation of school children.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. No. 222 on page 2, line 17, by striking therefrom the figures "4:00" and inserting in lieu thereof the figures "4:30".

H. B. No. 325. An Act relating to school districts.

H. B. No. 316. An Act relating to sick leave for teachers in the common schools.

With Committee amendment thereto by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act relating to sick leave for teachers in the common schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. For the purpose of this Act "teacher" shall mean any person for whom certification is required as a basis of employment in the common schools of the state with the exception of superintendents, supervisors and attendance officers.

§ 2. Each district board of education shall allow to each teacher in the common school system not less than ten days sick leave during each school year, without deduction of salary. Any days of sick leave not taken during any school year shall accumulate and may be taken in any subsequent school year or years, except that no teacher shall be entitled to take more than twenty days of accumulated sick leave unless the district board of education, in its discretion, authorizes a greater number of days to be accumulated. Any district board of education may, in its discretion, allow teachers in its common school system sick leave in excess of the number of days prescribed in this section.

H. B. No. 324. An Act amending the Teachers' Retirement Law.

With the expression of opinion that said bills should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Lowman of the Committee on Military Affairs, to which same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 377. An Act concerning armories.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Polsgrove of the Committee on Courts, to which the same had previously been referred, reported bills of the following titles, viz.:

H. B. No. 319. An Act to repeal Section 28.450 of the Kentucky Revised Statutes and to enact in lieu thereof new provisions relating to compensation of Reporters for Circuit Courts of continuous session in counties having a population of less than 150,000.

H. B. No. 193. An Act relating to notaries public, examiners or other officers authorized to take depositions, with particular reference to the fees of such officers and the rights of such officers in taking depositions or statements under oath.

H. B. No. 384. An Act relating to stenographers for County Judges; amending KRS 25.290.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. McClure of the Committee on Kentucky Statutes No. 2, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 388. An Act to repeal Subsection 4, Kentucky Revised Statutes, 387.160, 1942 Edition, relating to execution of a bond by the guardian to the ward in the circuit court before approval of an oil and gas lease.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. John C. Watts of the Committee on Kentucky Statutes No. 1, to which the same had previously been referred, reported bills of the following titles, viz.:

S. B. No. 81. An Act to repeal, amend and re-enact Sections 342.285, 343.290 and 342.295 of Kentucky Revised Statutes relating to appeals in Workmen's Compensation cases and providing an emergency clause.

S. B. No. 230. An Act repealing and re-enacting Section 89.560, Kentucky Revised Statutes, relating to city managers in cities of the second, third and fourth classes.

S. B. No. 80. An Act to repeal Section 342.121, to repeal, amend and re-enact Section 342.185; to repeal, amend and re-enact Section 342.315; to repeal, amend and re-enact Section 342.316; all being sections of the Kentucky Revised Statutes relating to Workmen's Compensation; and providing for an mergency clause.

With a Committee amendment to the title of said bill.

Said Committee amendment to the title of said bill is as follows, viz.:

Amend the title of said bill so that it will be known as the "Lyon, Hayes, Cline, Lowman and Rayburn Bill."

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills and a resolution of the following titles, viz.:

S. Res. No. 7. A Joint Resolution providing for the purchase of five hundred and fifty copies of the Kentucky Directory, and the distribution thereof, and appropriating $1,100.00 to purchase same.

S. B. No. 92. An Act relating to bonds given in proceedings under Section 489 of the Civil Code of Practice.

S. B. No. 64. An Act providing for the appointment of an acting city manager in cities of the second class organized under the city manager form of government.

S. B. No. 125. An Act transferring balances of funds of toll free bridges to Sinking Fund of the Rockport Toll Bridge.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open

session and in the presence of the House affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

The Speaker announced that he had referred bills heretofore introduced, as follows, viz.:

House Bill No. 400—Committee on Insurance, Life and Casualty.

House Bill No. 401—Committee on Insurance, Life and Casualty.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled a bill of the following title, viz.:

H. B. No. 2. An Act to amend Section 117.155 of the Kentucky Revised Statutes, relating to registration of voters.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

Mr. John C. Watts moved that the rules be suspended and the privilege of the floor extended to Col. J. R. H. Hutchinson, member of the British Parliament, and Mr. G. G. Tyrrell, British Consul at Cincinnati, Ohio.

Said motion was unanimously agreed to.

Mr. John C. Watts moved that the House do now resolve itself into a Committee of the Whole House for the purpose of hearing Col. J. R. H. Hutchinson, member of the British Parliament.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair and designated Mr. Rayburn as Chairman of the Committee of the Whole House.

After a time the Speaker resumed the Chair and Mr. Rayburn of the Committee of the Whole House reported that they had heard with interest the remarks of Col. J. R. H. Hutchinson.

Mr. John C. Watts moved that the Committee of the Whole House do now dissolve.

Said motion was agreed to.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 291. An Act to provide for the public safety, by creating a Department of Kentucky State Police; providing for the personnel thereof, including a Commissioner, officers and employees; providing for the powers, duties, immunities, compensation, appointment, discipline and removal of the personnel; transferring to the Department of Kentucky State Police the offices, facilities, equipment, duties, powers and funds of the State Highway Patrol; making an appropriation; and repealing laws in conflict.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As employed in this Act, unless the context requires otherwise, (a) "Department" shall mean the De-

partment of Kentucky State Police; (b) "Commissioner" shall mean the Commissioner or Commanding Officer of the Kentucky State Police; (c) "Officer" shall mean any member of the Kentucky State Police, whether commissioned or non-commissioned officer, who possesses the powers of a peace officer; (d) "Civilian" shall mean such experts, statisticians, clerks and other assistants who do not possess the powers of a peace officer.

Section 2. There is hereby created a statutory administrative body of the State Government within the meaning of Chapter 12 KRS which shall be known and is hereby designated as the Kentucky State Police. The head of the Department shall be the Commissioner, who shall be appointed by the Governor and who shall hold office at the pleasure of the Governor.

Section 3. The Commissioner shall be more than twenty-eight (28) years of age and shall be a citizen of the United States, and shall be selected on the basis of training, experience and qualification for this position and preferably shall had at least five (5) years' experience in public or police administration. The Commissioner shall receive a salary of five thousand ($5,000.00) per annum.

The Commissioner shall appoint from the ten highest ranking officers of the Department one officer to act as an executive assistant and to serve as Commissioner in the absence or disability of the Commissioner. Such appointment may be changed at any time or times by the Commissioner and any other officer substituted in lieu thereof.

Section 4. The Department shall consist of the Commissioner and such number of officers and civilians, and shall be organized in such manner and into such divisions or sections, as the Commissioner shall from time to time determine.

All persons appointed as officers shall at the time of their appointment be: (a) not less than twenty-one (21) years of age, the maximum age limit to be fixed by the Commissioner, and the same may vary as to commissioned and non-commissioned officers; (b) of good moral character, and

in good health; (c) citizens of the United States and residents of the Commonwealth; (d) high school graduates, or possess an education equivalent thereto. To meet such educational requirements, credit shall be given for experience in police administration or law enforcement. The Commissioner shall prescribe minimum physical requirements for appointment as an officer of the Department, and shall conduct such tests and require such physical examinations as may be deemed necessary in order to determine the fitness and qualification of each applicant. All other qualifications being equal, preference shall be given to veterans of World Wars I and II.

Section 5. The Commissioner shall appoint or promote to the ranks and grades and positions of the Department such officers and civilians as are considered by him to be necessary for the efficient administration of the Department. Such officers and civilians shall receive such compensation as shall be fixed by the Commissioner; provided the same shall reasonably conform to the standards established by the Division of Personnel in the Department of Finance.

Section 6. It shall be the duty of the Commissioner and each officer of the Department to detect and prevent crime, apprehend criminals, maintain law and order throughout the State, to collect, classify and maintain information useful for the detection of crime and the identification, apprehension and conviction of criminals and to enforce the criminal, as well as the motor vehicle and traffic laws of the Commonwealth. To this end the Commissioner and each officer of the Department is individually vested with the powers of a peace officer and shall have in all parts of the State the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, constables and police officers in any suit brought against them in consequence of acts done in the course of their employment. Any warrant of arrest may be executed by the Commissioner or any officer of the Department. The powers and duties referred to in this section shall be subject to Section 12 of this Act.

Section 7. The Commissioner shall be the head and chief executive officer of the Department. He shall provide for himself and each officer of the Department, under the provisions of 42.060 KRS such uniforms, equipment and facilities, including motor vehicles, necessary to the performance of his or their respective duties, but all such uniforms, equipment and facilities, including motor vehicles, shall remain the property of the Commonwealth. The Commissioner may sell through the Department of Finance, under the provisions of 42.060 KRS, such uniforms, equipment and facilities, including motor vehicles, as become unfit for use, and all monies received therefrom shall be paid into the State Treasury and credited to a revolving fund to be used by the Department.

The Commissioner shall keep an inventory and shall charge against each officer the value of all property of the Department issued to him, and if it is determined by the Commissioner that any loss or destruction of such property was due to the carelessness or neglect of an officer, then the value of such property shall be deducted from the pay of such officer.

By agreement with the Commissioner of Highways of the Commonwealth, the Commissioner of the Department may provide that motor vehicles owned by it can be serviced and repaired at any State garage upon such terms and for such compensation as such agreement may provide.

The Commissioner shall establish local headquarters so as to best distribute the officers and employees of the Department throughout the various sections of the Commonwealth where they will be most efficient in carrying out the provisions of this Act.

Section 8. The Commissioner shall adopt, formulate, alter and repeal rules and regulations for the enlistment, training, discipline and conduct of officers of the Department; for the selection and promotion of such officers on the basis of senority of service, qualifications being equal, and he may make any other rules and regulations for the governing and operation of said Department as shall appear to him reasonably necessary to carry out the provisions of this Act.

He may require any officer or civilian who may receive and/or disburse public funds in the course of his duties to file a bond conditioned that he will honestly, correctly and according to law, receive, disburse and/or account for all public monies coming into his hands. The premiums on any such bond or bonds shall be paid by the Department.

The Commissioner, with the approval of the Governor and the Commissioner of Finance, may acquire real estate or interests therein, by purchase, lease or otherwise, necessary for the purposes of the Department, and, with like approval, provide for the acquisition or construction of necessary buildings and other permanent structures and facilities. Title to any real estate so acquired shall be taken in the name of the Commonwealth.

Section 9. The Commissioner is authorized to organize and maintain a training school or schools for officers of the Department, and in connection therewith to provide by regulation the course and conduct of such training and the period of time for which any officer, or any applicant therefor, shall attend such school. The Commissioner, under such regulations as he may adopt, is further authorized, but shall not be required, to make such training facilities available to any local governing unit within this Commonwealth.

Section 10. The Commissioner may approve vouchers in payment of expenses, including travel, lodging and meals, incurred by officers and civilians of the Department in the discharge of their duties, and such vouchers shall be audited and paid out of the Department's appropriation in the manner required by law.

Section 11. No fee for the performance of an act in line of duty, and no reward offered for the apprehension and conviction of any person or for the recovery of any property may be accepted by any officer or employee of the Department, but any fee or reward to which such officer or civilian would be entitled, apart from the foregoing provision, shall be paid into the State Treasury and credited to a revolving fund, to be used by the Department.

Section 12. Neither the Commissioner nor any officer of the Department shall exercise the powers herein conferred within the limits of any incorporated city which maintains a paid police force or department, except (a) when in hot pursuit of an offender or supposed offender, or (b) when in search of an offender or supposed offender wanted for a crime committed outside of the corporate limits of a city; or (c) when interviewing or seeking to interview a witness to any such crime, or (d) when requested to act by the chief executive officer of the city or its chief police officer, or (e) when ordered by the Governor, in case of emergency, to act within any specified city or cities. Provided, however, the chief executive officer of any city may request that any officer or officers of the Department be given full police authority within such city for a term of months or years or until revoked, and when such request has been approved by the Commissioner, all officers of the Department shall have authority to exercise the powers herein conferred within such city during the term specified, or until such authority is revoked by the chief executive officer of said city.

Section 13. The Commissioner shall cooperate and exchange information with any other department or agency of this Commonwealth, or with other police forces, both within and without this Commonwealth and with the Federal Government. The Commissioner may, when authorized by the Governor, negotiate with the appropriate officials of other states in the preparation of inter-state compacts for police protection as authorized by the Federal Congress, and such compacts as negotiated shall be submitted to the Governor and the General Assembly for approval.

All peace officers of the various political subdivisions of this Commonwealth shall cooperate with the Department and the Commissioner, and all officers thereof in the enforcement of the laws of this Commonwealth.

Section 14. With the exceptions hereinafter specified, no officer of the Department shall be removed, suspended, reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law or of any rule or regulation promulgated by the Commissioner. Any

person may prefer chargges in writing against any officer, which must be filed in the office of the Commissioner. Said charges must be signed by the person making the same, and must set out with clarity and distinction each and every charge. It shall be the duty of the Commissioner whenever probable cause appears, to prefer charges against any officer whom he believes to have been guilty of conduct justifying his removal or punishment, in the interest of public order. Within five (5) days after the filing of such charges, the Commissioner shall deliver a copy thereof, either personally or by registered mail, to the officer offending. Within five (5) days after the receipt thereof, such officer may demand public hearing, or may admit the truth of the charges in whole or in part. If said officer admits the truthfulness of said charges, it shall be the duty of the Commissioner to remove, suspend, reduce in rank or pay the officer so offending, in proportion to the seriousness of the charges.

In the event said charges are denied and the officer demands a hearing within the time above specified, he must make such demand known to the Commissioner in writing. After the demand for hearing has been so made, the Commissioner shall within twenty (20) days from the date thereof, arrange for a public hearing before a trial board to be constituted in the manner hereinafter provided. The officer defendant shall be given not less than five (5) days' notice of the time, place and hour of the hearing.

Upon the hearing, all charges shall be considered traversed and put in issue, and the trial shall be confined and limited to the issues so presented by the written charges. The trial board hearing said charges shall have the power to summon and compel the attendance of witnesses at all hearings or sittings, by subpoena issued by the Commissioner and served upon any witness by any sheriff or other person authorized by law to serve process. If any person fails to comply with any lawful order of the Department or with process, or if any witness refuses to testify concerning any matter in which he may lawfully be interrogated, any circuit court judge, upon application of the trial board, or the Commissioner, may compel obedience by proceedings for

contempt as in the case of disobedience of a subpoena issued from the circuit court or a refusal to testify therein.

The officer defendant shall have the right to subpoena in his behalf any witness or witnesses he may desire, upon furnishing their names to the trial board or to the Commissioner. Such officer shall likewise have the right to appear in person and by counsel.

All such charges against the officer defendant, together with all proceedings before the trial board, shall be transcribed and reduced to writing and a permanent record kept thereof.

In any instance where the Commissioner has probable cause to believe that an officer has been guilty of conduct justifying his removal or punishment, he is authorized to immediately suspend such officer from duty, or from both pay and duty, pending trial, and such officer shall not be again placed on duty or allowed pay thereafter until a determination of the charges under this section.

The trial board, after hearing such charges, shall fix the punishment of any officer found guilty of any one or more charges, by reprimand or suspension for any length of time not to exceed six (6) months, or by reducing the grade if such officer's classification warrants same, or by combining any two or more of said punishments, or by reducing the monthly salary of such officer by not more than 20 per cent for not more than six (6) months, or by removing or dismissing from the service of the Department any officer so found guilty.

For the purposes of hearing charges against any officer, as hereinabove set forth, there is hereby created what shall be known as a trial board; said board to consist of the Commissioner and a panel of ten (10) commissioned officers of the Department to be appointed by the Commissioner. The Commissioner shall designate from such panel not less than three (3) nor more than seven (7) members thereof to hear charges against any officer, in the manner and under the procedure above set forth. The Commissioner is authorized to promulgate reasonable rules and regulations governing the

procedure before said trial board, provided the same are not in conflict with the provisions of this section. Said panel or trial board shall be a continuing body, and the officers so designated shall serve thereon in addition to their other duties and without any increase in compensation, except they may be reimbursed for meals, lodging and traveling expenses incurred while in the performance of their official duties as members of the board. Any officer defendant may for cause challenge the right of any member, or members, of the board in the trial of any action against him, and if the remaining members of said board find that such challenge is justifiable, said member, or members, of the board shall be excused from hearing said charges, and another member, or members, substituted in lieu thereof.

No officer shall be entitled to a hearing as provided in this section, unless his suspension is for more than twenty (20) days, or his pay reduced more than 10 per cent; provided, if such officer receives more than one 20-day suspension or more than one 10 per cent decrease in pay within a period of one year, he shall have the right to such hearing in the manner above provided.

Any civilian employee may be discharged, suspended or reduced in pay at any time or times by the Commissioner, and such civilian employee shall hold office at the pleasure of the Commissioner.

Any officer appointed to the Department shall be considered on probation for a period of one year from and after the date of his appointment, and during such period may be discharged or suspended or reduced in rank or pay, with or without cause, by said Commissioner. The rights herein conferred upon an officer for a hearing, as provided in this section, shall not accrue until such officer has been employed by the Department for a period of one year or more.

Any officer of the Department who has been found guilty by the trial board of any charge as herein provided shall have the right, within ten (10) days from the date of judgment of trial board, to appeal to the Franklin Circuit Court, provided the punishment be a suspension of more than twenty (20) days or his pay be reduced more than 10 per

cent, of if he is reduced in grade, if his classification so warrants, or is removed or dismissed from the Department; provided, however, the enforcement of the judgment of the trial board upon said charges shall not be suspended during said appeal.

To perfect said appeal within the time specified, such officer shall file in the office of the Clerk of the Franklin Circuit Court a copy of the order, of all the evidence heard and of all the steps taken by the trial board relative to such charges, but shall first post a bond to secure the cost of the action in a lump sum to be approved by the Circuit Clerk, with corporate surety approved by the Division of Insurance as to solvency and responsibility and authorized to transact business in this State, or he may post a cash bond. The members of the trial board and the Commissioner shall be necessary parties to such appeal. The Circuit Clerk shall docket the case as though it were a petition in equity and shall immediately issue a summons for the appellee. The summons shall be returnable in the same manner as in equity cases. Service of summons upon the Commissioner or acting Commissioner shall be deemed service upon the board.

Such action shall be set down for trial as soon as possible, and the hearing thereof shall be expedited in the same manner as a declaratory judgment suit.

No new or additional evidence shall be introduced in the Franklin Circuit Court, except as to fraud or misconduct of some party engaged in the administration of this Act, or one who is a member of the trial board, but the court shall otherwise hear the case upon the record as attested by the board, and in all respects dispose of the appeal in a summary manner. Its review shall be limited to determining whether or not (a) the board acted without or in excess of its powers; (b) the order appealed from was procured by fraud; (c) if questions of fact are in issue, whether or not substantial evidence supports the order appealed from. After such a hearing, the court shall enter a judgment sustaining or setting aside the order of the trial board appealed from. The cost of the action shall follow the judgment of the court.

Any party aggrieved by a judgment of the Franklin Circuit Court may appeal to the Court of Appeals in the same manner that appeals are taken under Section 639a-5 of the Civil Code of Practice.

No officer shall be suspended, reduced in rank or pay, or be discharged or dismissed, except as provided in this Act, and with the further exception that when insufficient funds require a reduction in expenditures, the officer or officers junior in point of service shall be first discharged.

Section 15. The Commissioner and all officers of the Department are hereby prohibited from taking part in any political campaign, or soliciting support through votes or money, for any candidate for nomination or for election or for appointment to any public office, and violation of the provisions hereof shall be sufficient cause for the removal of the Commissioner or officer. Provided, that nothing herein contained shall be deemed to interfere with the right of the Commissioner or any officer of the Department to vote for any candidate, or upon any issue, as his reason may dictate.

Section 16. All books, papers, maps, plans, records and equipment, including uniforms, arms, motor vehicles or other facilities, or property, in the possession or under the control of the Division of the State Highway Patrol or of any officer, member or employee thereof, shall upon the effective date of this Act be delivered and turned over to the Commissioner. The Director and all officers and employees of the State Highway Patrol, on the effective date of this Act, shall continue to perform their official duties upon the same terms and conditions and at the same pay as theretofore until removed, promoted, or appointed to other positions. For the purpose of this Act the Director and all officers of the State Highway Patrol shall be considered probationers, and for a period of one year from and after the effective date of this Act, may be discharged by the Commissioner with or without cause.

All pending proceedings and all investigations commenced by the State Highway Patrol or the Director or any member or officer thereof and not completed upon the

effective date of this Act shall continue and remain in full force and effect, and such proceedings and investigations shall be conducted and continued in the name of the Kentucky State Police.

Whenever and wherever the term "State Highway Patrol" or "Highway Patrol," "Highway Patrolman," "Division of Highway Patrol," or "Highway Police" occurs in any law, or wherever in any law reference is made to the same, such term or reference shall be deemed to refer to and mean the Kentucky State Police. Whenever and wherever reference is made to the Director of the Division of Highway Patrol, such term or reference shall be deemed to refer to and mean the Commissioner of the Kentucky State Police.

Section 17. Any and all unexpended or unencumbered balances of sums appropriated by the General Assembly of the Commonwealth of Kentucky at the 1948 regular session from the State Road Fund for the Division of Highway Patrol, Department of Highways, for the fiscal year beginning April 1, 1948, and ending March 31, 1949, and for the fiscal year beginning April 1, 1949, and ending March 31, 1950, are hereby transferred to and shall be used by the Department for such fiscal years, or parts thereof, for ordinary recurring expenses of operation and capital outlay. This transfer is provided for in the light of the fact that the major activities of the Department will be in the field of enforcement of traffic and motor vehicle laws.

In addition to the foregoing appropriation, there is hereby appropriated to the Department of Kentucky State Police out of the General Expenditure Fund for the fiscal year beginning July 1, 1948, and ending June 30, 1949, and for the fiscal year beginning July 1, 1949, and ending June 30, 1950, for ordinary recurring expenses of operation, the sum of one hundred fifty thousand dollars ($150,000.00) for each of such fiscal years.

Each of the appropriations hereinabove referred to shall be expended in accordance with the provisions of Chapters 12, 42 and 45.

Section 18. This Act shall become effective on July 1, 1948.

Section 19. The provisions of this Act are severable. If any provision, section, or paragraph hereof should be held unconstitutional or invalid, such decision regarding the provision, section or paragraph shall not affect or impair the remainder of the Act. It is hereby declared to be the legislative intent to enact such provision, section and paragraph hereof separate and specific. All laws in conflict herewith are hereby repealed.

All laws and parts of laws in conflict herewith are hereby repealed.

Subsection (2) of KRS 176.020 is amended by striking out the provision of said subsection with reference to a Division of Highway Patrol, so that said subsection, as amended, will read as follows:

The Department shall be divided into a Division of Construction, a Division of Records, a Division of Equipment, and a Division of Rural Highways. Each division shall perform the duties assigned to it by the Commissioner of Highways and shall be headed by a director who shall act under the direction and supervision of the Commissioner of Highways.

Mr. Hanratty offered the following amendments to said bill, viz.:

Amendment No. 1. Amend House Bill No. 291 by inserting after the word "officer" on line 6, page 1, of the printed bill the words "or patrolman."

Amendment No. 2. Amend House Bill No. 291 by striking from line 3, page 6, of the printed bill the words, "which maintains a paid police force or department," and inserting in lieu thereof the following: "of the first to the fifth class, inclusive."

Amendment No. 3. Amend House Bill No. 291 by adding after the word "Act" on line 5, page 12, of the printed bill the words, "and without cost."

Amendment No. 4. Amend House Bill No. 291 by adding after the word "vehicles" on line 2, page 12, of the printed bill the words, "radio equipment and station."

Amendment No. 5. Amend House Bill No. 291 by striking from line 19 through line 23, inclusive, on page 4, of the printed bill, the following language:

"By agreement with the Commissioner of Highways of the Commonwealth, the Commissioner of the Department may provide that motor vehicles owned by it can be serviced and repaired at any State garage upon such terms and for such compensation as such agreement may provide."

And inserting in lieu thereof the following:

"By agreement with the Commissioner of Highways of the Commonwealth, the Commissioner of the Department may provide for the leasing of motor vehicles, and accessories thereto, radio facilities and equipment, office equipment and other property or facilities, upon such terms and conditions and for such compensation as said agreement may provide. Said Commissioner of Highways and the Commissioner of the Department may further provide, by agreement, for the servicing and repair at any state garage, of motor vehicles or accessories thereto which are owned, operated or rented by the Dpartment, upon such terms and conditions and for such compensation as said agreement may provide. The Department is authorized, by lease or purchase, to acquire, maintain and operate motor vehicles, and the officers of said Department, including the Commissioner, are authorized and empowered to operate such motor vehicles in the course of their duties, and in carrying out the purposes, responsibilities and functions provided for in this Act."

Amendment No. 6. Amend House Bill No. 291 by striking from lines 11 and 12 on page 5 of the printed bill the words,

"The premiums on any such bond or bonds shall be paid by the Department."

And inserting in lieu thereof the following:

"The Commissioner and each officer shall execute a bond to the Commonwealth of Kentucky in a sum of not less than

$2,000.00, conditioned upon the faithful discharge of his duties. The premium on any such bond or bonds shall be paid by the Department. The Commissioner and each officer of the Department shall, before entering upon the discharge of their official duties, take the constitutional oath of office."

Said amndments to said bill were each and severally agreed to.

Mr. John C. Watts moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

The yeas and nays being required thereon by Mr. Weintraub and Mr. Alford were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	Lilburn S. Rogers
Roy W. Arnold	C. J. Holsclaw	Amos Runyan
Sidney Baer	D. W. Howard	Glenn Rushing
Levi Baker	R. N. Hubbard	Mrs. Rutherford
Bernhardt Bauer	Ira W. Hulette	Dr. K. N. Salyer
C. E. Baumgardner	J. Ernest Jones	James J. Shannon
Fred Beshear	W. E. McClure	Jesse H. Shelton
Isaac M. Blevins	F. G. Marquette	Chas. L. Spillman
Chas. J. Bronston	Davis Moore	John M. Stumbo
Mrs. Mary Burnett	Walter Moorman	G. C. Thornton
Chas. W. Burnley	Fred H. Morgan	W. R. Tipton
A. H. Calvert	H. S. Overby	Wilford S. Travis
Earl W. Christian	H. C. Patterson	J. B. Veech
George I. Cline	H. M. Pewitt	John C. Watts
Horace T. Cull	J. H. Polsgrove	Lawrence Watts
Otto W. Goff	E. F. Prichard	Rodney Whitlow
N. M. Hamilton	Hobart Rayburn	G. F. Williamson

—51

Those who voted in the negative were—

Jason Alford	Richard R. Houpt	Kerby Jennings
Henry C. Hale	M. G. Howard	Ercel Kozee

Ed Marcum	D. B. Saylor	Albert Thomason
E. C. Mullins	LeRoy Saylor	W. J. Ward
Stanley Murphy	Harry Smith	Morris Weintraub
L. W. Preston	John M. Spaulding	Lynn Boyd Wells
Ottis Roberts	G. W. Steinford	Charles W. Wirsch

—21

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in acordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	George I. Cline	Ira W. Hulette
Roy W. Arnold	Everett T. Cooper	Laban P. Jackson
Earl F. Ashcraft	Perry M. Cross	Kerby Jennings
Sidney Baer	Horace T. Cull	J. Ernest Jones
Levi Baker	G. I. Drury	Ercel Kozee
Bernhardt Bauer	Kermit Dwyer	Harry K. Lowman
C. E. Baumgardner	Otto W. Goff	W. E. McClure
Fred Beshear	N. M. Hamilton	Ed Marcum
Isaac M. Blevins	James P. Hanratty	F. G. Marquette
Chas. J. Bronston	E. R. Hilton	C. D. Moberly
Mrs. Mary Burnett	Richard R. Houpt	Davis Moore
Chas. W. Burnley	Clyde S. Howard	Walter Moorman
A. H. Calvert	D. W. Howard	E. C. Mullins
Earl W. Christian	R. N. Hubbard	Stanley Murphy

T. A. Noe, Jr.	Amos Runyan	Chas. L. Spillman
Joe E. Nunn	Glenn Rushing	Albert Thomason
H. S. Overby	Mrs. Rutherford	G. C. Thornton
H. C. Patterson	Dr. K. N. Salyer	W. R. Tipton
H. M. Pewitt	D. B. Saylor	Wilford S. Travis
J. H. Polsgrove	James J. Shannon	J. B. Veech
E. F. Prichard	Paul E. Shannon	John C. Watts
Hobart Rayburn	Jesse H. Shelton	Lynn Boyd Wells
Ottis Roberts	Harry Smith	Rodney Whitlow
Lilburn S. Rogers	John M. Spaulding	G. F. Williamson

—72

Those who voted in the negative were—

Jason Alford	Carson Hibbitts	G. W. Steinford
Paul Carter	M. G. Howard	John M. Stumbo
Robert Collins	Paul S. Jonas	W. J. Ward
B. G. Davidson	L. W. Preston	Morris Weintraub
Henry C. Hale	LeRoy Saylor	Charles W. Wirsch
Dennis Henderson		

—16

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Davidson moved that the rules be suspended for the purpose of introducing a bill.

Said motion was agreed to by a majority of the members elected.

Thereupon a bill of the following title was introduced, viz.:

By Messrs. Davidson, Travis and Cline.

H. B. No. 405. An Act appropriating money out of the General Expenditure Fund in the State Treasury for the current fiscal year, for the purpose of supplementing the salaries of teachers of the four State Teachers Colleges, Ken-

tucky State College for Negroes, the Lincoln Institute, the Western Kentucky Vocational School, the Northern Kentucky Vocational Training School, the Mayo State Vocational School, the Kentucky School for the Blind, and the Kentucky School for the Deaf.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) There is hereby appropriated out of the unappropriated surplus in the General Expenditure Fund in the State Treasury as of the effective date of this Act, the sum of $99,000 for the purpose of supplementing the salaries of teachers employed at Eastern State Teachers College, Western State Teachers College, Morehead State Teachers College, Murray State Teachers College, Kentucky State College for Negroes, the Lincoln Institute, the Western Kentucky Vocational School for Negroes, the Northern Kentucky Vocational Training School, the Mayo State Vocational School, the Kentucky School for the Blind, and the Kentucky School for the Deaf for the school year beginning July 1, 1947, and ending June 30, 1948. The sum so appropriated shall be distributed by the State Treasurer to the four teachers colleges and by the Superintendent of Public Instruction to the other aforementioned schools and institutions, as a supplement to the budget appropriation for the said school term.

(2) The funds received by each school or college from this appropriation shall be so applied that each teacher of each school or college shall receive the same amount of increase on the monthly basal salary schedule for the school year 1947-1948.

(3) "Teacher," as used in this Act, shall mean classroom teachers, principals, supervisors, registrars, business managers, librarians, dietitians, deans, and such other personnel of the teaching profession who are included in the schedules of these institutions.

(4) Whereas the funds appropriated by this Act are intended to supplement the salaries of teachers for the school year 1947-1948, and economic conditions are such as to require immediate relief of this character for such teachers, and

Whereas if the effective date of this Act is delayed, many of the school terms will end before the funds can be distributed as required by this Act,

Now Therefore,

An emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Ordered that said bill be printed and referred.

Mr. Burnley moved that the rules be suspended and Master Garfield Howard, of Pineville, Kentucky, be made an Honorary Page for the day.

Said motion was unanimously agreed to.

Mr. Clyde S. Howard moved that the rules be suspended and the privilege of the floor extended to Mrs. Johnny Glenn.

Said motion was unanimously agreed to.

Mr. Clyde S. Howard moved that the rules be suspended and little Miss Elizabeth Glenn be made an Honorary Page for the day.

Said motion was unanimously agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 227. An Act relating to instruction in co-operative marketing and consumers' cooperatives.

With Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Every high school and vocational school shall prescribe adequate and essential instruction in cooperative marketing and consumers' cooperatives.

(2) The governing boards of the university, state teachers' colleges and county normal schools shall provide in their respective institutions adequate and essential instruction in cooperative marketing and consumers' cooperatives.

(3) The state superintendent of public instruction and the dean of the college of agriculture at the state university shall cooperate in the preparation of outlines to be used by teachers in the courses offered under section (1) and (2) and they shall have power to request the assistance of any teacher or professor in any of the schools of the state in the preparation of such material. They may also make a recommended list of material now in pamphlets or books for guidance of teachers of these courses.

(4) In granting certificates for the teaching of courses in economics, the social studies and agriculture, adequate instruction in cooperative marketing and consumers' cooperatives shall be required.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. 227, on page 1, section 2, line 2, by striking out the words:

"and county normal schools".

Mr. Whitlow moved that the House do now adopt said Committee amendment to said bill.

Said motion was agreed to.

And thereupon said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Levi Baker	G. I. Drury	Rodney Whitlow
Chas. W. Burnley		—4

Those who voted in the negative were—

Sidney Baer	Laban P. Jackson	Ottis Roberts
Bernhardt Bauer	Paul S. Jonas	Lilburn S. Rogers
Isaac M. Blevins	L. H. Jones	Amos Runyan
Chas. J. Bronston	W. E. McClure	Glenn Rushing
Mrs. Mary Burnett	C. D. Moberly	Mrs. Rutherford
Paul Carter	Fred H. Morgan	Paul E. Shannon
Everett T. Cooper	E. C. Mullins	Jesse H. Shelton
Perry M. Cross	Stanley Murphy	Harry Smith
Horace T. Cull	H. S. Overby	John M. Spaulding
B. G. Davidson	H. M. Pewitt	G. W. Steinford
Kermit Dwyer	L. W. Preston	John M. Stumbo
Otto W. Goff	E. F. Prichard	W. R. Tipton
Henry C. Hale	Hobart Rayburn	—38

And so said bill was rejected.

The Speaker vacated the Chair and designated Mr. Arnold as Speaker Pro Tem.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 162. An Act relating to allowances to county tax commissioners for compensation of deputies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of Section 132.590 of the Kentucky Revised Statutes of 1946 is repealed, amended and reenacted to read as follows:

(5) In counties in which the assessed value of property exceeds fiftten million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies two cents on each one hundred dollars of the property assessed in excess of fifteen million dollars, but the total sum allowed to any county tax commissioner as compensation to his deputies shall not exceed seven thousand five hundred dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630.

Mr. Burnley offered the following amendment to said bill, viz.:

Amend printed copy of House Bill 162, on page 1, subsection 5, line 9, by adding after the period the following: "The provisions of this Act shall become effective January 2, 1950."

Mr. Burnley moved that the House do now adopt said amendment to said bill.

Said motion was agreed to.

And thereupon said amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the title of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Clyde S. Howard	Lilburn S. Rogers
Jason Alford	M. G. Howard	Amos Runyan
Sidney Baer	Ira W. Hulette	Glenn Rushing
Levi Baker	Kerby Jennings	Mrs. Rutherford
Bernhardt Bauer	Paul S. Jonas	James J. Shannon
Fred Beshear	J. Ernest Jones	Paul E. Shannon
Chas. J. Bronston	Ercel Kozee	Jesse H. Shelton
Mrs. Mary Burnett	Harry K. Lowman	Harry Smith
Chas. W. Burnley	W. E. McClure	John M. Spaulding
A. H. Calvert	F. G. Marquette	John M. Stumbo
Perry M. Cross	Davis Moore	Albert Thomason
Horace T. Cull	Walter Moorman	G. C. Thornton
G. I. Drury	Fred H. Morgan	Wilford S. Travis
Otto W. Goff	E. C. Mullins	J. B. Veech
Henry C. Hale	T. A. Noe, Jr.	W. J. Ward
James P. Hanratty	H. M. Pewitt	John C. Watts
Carson Hibbitts	L. W. Preston	Lawrence Watts
C. J. Holsclaw	E. F. Prichard	Morris Weintraub
Richard R. Houpt	Ottis Roberts	—56

Those who voted in the negative were—

Isaac M. Blevins	G. W. Steinford	W. R. Tipton
C. D. Moberly		—4

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Whitlow moved that the rules be suspended for the purpose of allowing a Report of Committee.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Whitloy of the Committee on State Fair, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 255. An Act relating to the State Fair Board.

With Committee amendment thereto by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act relating to the State Fair Board, with particular relation to the membership thereof and the terms of the members.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 247.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall be composed of nine members, as follows:

(a) The Governor;

(b) The Commissioner;

(c) The Dean of the College of Agriculture of the University of Kentucky; and

(d) Six members appointed from the state at large by the Governor as provided in this section, with due consideration to geographical distribution throughout the state.

(2) The terms of the present six appointed members of the board shall be for four years, dating from the beginning of the terms for which they were respectively appointed, and until their successors are appointed and qualify, the beginning date being calculated as of December 12, 1944, for two terms, December 12, 1945, for two terms, and December 12, 1946, for two terms. As the terms of each group of two members expire, the Governor shall appoint successors for terms of four years and until their successors are appointed and qualify. Beginning with the appointments to be made for the terms commencing December 12, 1948, one member of the first group of two successor members to be appointed shall be appointed from a list of six nominees consisting of three names from each of two political parties polling the largest number of votes in the state at general elections submitted to the Governor by the governing body of the Kentucky Purebred Livestock Association; one member of the second group shall be appointed from a list of six nominees so submitted by the governing body of the American Saddle Horse Breeders Association; and one member of the third such group shall be appointed from a list of six nominees so submitted by the governing body of the Kentucky Farm Bureau Federation. The other member of each group of two successor members so appointed shall not be of the same political affiliation as the appointee selected from the nominees submitted by the named organizations, it being the intention hereof that of the six members so appointed by the Governor three shall be appointed from each of the two political parties polling the largest number of votes in the state at general elections.

(3) In case of a vacancy among the appointed members of the board, the unexpired term so occurring shall be filled by the Governor, who shall appoint a person having the same required qualifications as the person who theretofore held such office.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

The Chief Clerk produced and read the following communication, viz.:

Honorable Byron Royster

Chief Clerk

House of Representatives

Frankfort, Kentucky

Dear Mr. Royster:

I have received the Joint Resolution of the General Assembly of the Commonwealth of Kentucky suggesting that the Veterans' Flight Training Program be continued.

I have had a number of requests for the same purpose and and have taken up the matter with the Veterans' Administration and urged that the Flight Training Program be continued.

The importance of aviation to our national economy and national defense cannot be over-estimated and the training of these young men will serve a most useful purpose and should be continued.

Sincerely,

(Signed) Brent Spence

Mr. John C. Watts moved that the House do now adjourn to meet again at 10 o'clock, a. m., Friday, February 27, 1948.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 27, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend Wm. P. Wilhoyte, pastor of the Church of the Nazarene, of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	D. W. Howard	F. L. Robinson
Jason Alford	M. G. Howard	Lilburn S. Rogers
Roy W. Arnold	R. N. Hubbard	Amos Runyan
Earl F. Ashcraft	Ira W. Hulette	Glenn Rushing
Sidney Baer	Laban P. Jackson	Mrs. Rutherford
Levi Baker	Kerby Jennings	Dr. K. N. Salyer
Bernhard Bauer	Paul S. Jonas	D. B. Saylor
C. E. Baumgardner	J. Ernest Jones	Leroy Saylor
Fred Beshear	L. H. Jones	James J. Shannon
Isaac M. Blevins	Ercel Kozee	Paul E. Shannon
Chas. J. Bronston	Harry K. Lowman	James S. Shaw
Mrs. Mary Burnett	W. E. McClure	Jesse H. Shelton
Chas. W. Burnley	Ed Marcum	Harry Smith
A. H. Calvert	F. G. Marquette	John M. Spaulding
Earl W. Christian	E. H. Martin	Chas. L. Spillman
George I. Cline	C. D. Moberly	G. W. Steinford
Everett T. Cooper	Davis Moore	John M. Stumbo
Perry M. Cross	Walter Moorman	Albert Thomason
Horace T. Cull	Fred H. Morgan	G. C. Thornton
B. G. Davidson	E. C. Mullins	W. R. Tipton
G. I. Drury	Stanley Murphy	Wilford S. Travis
Kermit Dwyer	T. A. Noe, Jr.	J. B. Veech
Otto W. Goff	Joe E. Nunn	W. J. Ward
Henry C. Hale	H. S. Overby	John C. Watts
N. M. Hamilton	H. C. Patterson	Morris Weintraub
James P. Hanratty	H. M. Pewitt	Lynn Boyd Wells
Dennis Henderson	J. H. Polsgrove	Rodney Whitlow
Carson Hibbitts	L. W. Preston	G. F. Williamson
E. R. Hilton	E. F. Prichard	Charles W. Wirsch
C. J. Holsclaw	Hobart Rayburn	Mr. Speaker
Clyde S. Howard	Ottis Roberts	

Mr. Rayburn moved that the reading of the Journal of the House of the proceedings of Thursday, February 26, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. No. 199. An Act creating an Agricultural and industrial Development Board; prescribing the powers and duties of said Board and making an appropriation for the operation thereof.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. James J. Shannon moved that Master Kenneth Marquette, II, be made an Honorary Page for the day.

Said motion was agreed to.

Mr. Prichard moved that the privilege of the floor be extended to Mrs. Holsclaw.

Said motion was agreed to.

Mrs. Burnett moved that the privilege of the floor be extended to Miss Nanalyne Brown, Mrs. Pearl Davis and Messrs. Billy Floyd, Morry Floyd and Bobby Milward.

Said motion was agreed to.

Mr. Lowman moved that the rules be suspended and a bill of the following title, viz.:

H. B. No. 309. An Act to define, license and regulate the business of making loans or advancements in the amount or

of the value of five hundred dollars or less, secured or unsecured, at a greater rate of interest, consideration, or charge than six per centum per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulation the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of five hundred dollars or less, providing for the administration of this Act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for judicial review of orders and regulations of the Commissioner of Banking under this Act, and providing that this Act shall repeal and replace KRS Chapter 288.

Be taken from the Orders of the Day and recommitted.

Said motion was disagreed to by a majority of the members elected.

Mr. Hilton moved that a bill of the following title, viz.:

H. B. No. 88. An Act relating to elections, both regular and primary, with particular relation to the hours the pol s are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

Be taken from the Clerk's desk and placed in the Orders of the Day.

Without objection, said motion was agreed to and said bill was

Ordered placed in the Orders of the Day.

Mr. Noe moved that a bill of the following title, viz.:

H. B. No. 58. An Act relating to services for war veterans and their dependents; establishing a Veterans' Affairs Commission and providing for its organization, functions and appropriations; and abolishing the present Disabled Ex-Service Men's Board.

Be taken from its place in the Orders of the Day and made a Special Order for the hour of 2 o'clock, p. m., Tuesday, March 2, 1948.

Said motion was agreed to.

The Speaker vacated the Chair and designated Mr. Rayburn as Speaker Pro-Tem.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. No. 49. An Act relating to the functions and powers of the Division of Markets in the Department of Agriculture, Labor and Statistics.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 260.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Markets shall:

(a) Stress promotional market efforts and make available to farmers practical assistance in setting up farm cooperatives;

(b) Gather and disseminate information concerning supply, demand, prevailing prices and commercial movement, including common and cold storage of food products, and maintain market news service for the purpose of disseminating such information;

(c) Foster and encourage the inspection, grading, standardizing, labeling and branding of farm products; provide standards of excellence and brands for the use of producers and consumers in the marketing of Kentucky-grown

products; and promote the standardization of packages and containers for such purposes;

(d) Make regulations for the grading, packing, hauling, storing and sale of farm products when the regulations are authorized by statutes, and enforce those regulations;

(e) Act as mediator or arbitrator, when invited, inu any issue that may arise between producers and distributors of agricultural products;

(f) Encourage the establishment of public markets and direct dealing between producer and consumer;

(g) Encourage the consumption of Kentucky-grown products within and without the state; and

(h) Negotiate and enter into cooperative agreements with the United States Department of Agriculture or any other appropriate Federal agency for carrying this section into effect.

(2) The functions of the division shall be supplementary to, and not in duplication of, the educational activities of the College of Agriculture of the University of Kentucky.

(3) In accomplishing its purposes the division shall not compete with business operated by private capital.

S. B. No. 50. An Act relating to the Division of Markets in the Department of Agriculture, Labor and Statistics, with particular relation to the compensation of the Director of the Division.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 260.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Markets in the Department of Agriculture, Labor and Statistics shall be under the supervisor of the commissioner, and shall consist of personnel determined and appointed by the commissioner.

(2) The Division of Markets shall be headed by a director appointed by the commissioner, subject to the approval of the Governor. The Director of the Division of Markets shall receive a salary of not more than $5,000 annually.

S. B. No. 51. An Act making provisions for an Agricultural Production and Marketing Commission; prescribing its membership, powers and duties; providing for the furnishing of assistance, cooperation and facilities by other state agencies; and providing for a report.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is created an Agricultural Production and Marketing Commission, to consist of fifteen members. The Commissioner of Agriculture, Labor and Statistics shall be ex-officio a member and chairman of the Commission. The other fourteen members shall be appointed by the Governor, forthwith upon the taking effect of this Act. The Governor shall designate one of the members appointed by him as vice-chairman of the Commission. The Commission shall continue in existence until December 31, 1949, whereupon its existence shall terminate.

2. It shall be the duty of the Agricultural Production and Marketing Commission to make a complete and thorough study and survey of the production, marketing, transportation, processing and use of each agricultural commodity produced in Kentucky, on the basis of each individual county and upon the basis of the state as a whole. In so doing, the Commission shall have authority to obtain information and to receive cooperation and assistance from any public agency, state or federal. Every state agency, at the request of the Commission, shall make available to the Commission such information, statistics and reports as are at the disposal of such agency, and shall cooperate with the Commission by furnishing personnel and facilities to assist in performing the functions of the Commission.

3. Not later than October 15, 1949, the Commission shall present to the Governor a written report embodying the results of its study and survey, together with such recommendations as the Commission shall deem desirable. The Governor shall cause the report to be printed and submitted to the General Assembly at its 1950 Regular Session.

4. The members of the Commission shall be reimbursed for the actual and necessary traveling expenses, including board and lodging, incurred in attending meetings of the Commission and otherwise in the performance of their duties, the same to be paid out of any fund available for that purpose. The members shall not receive any per diem or other compensation for their services. The Commission shall meet from time to time upon the call of the chairman, at a time and place designated in the call, or shall meet at the request of the Governor at a time and place designated by the Governor.

S. B. No. 95. An Act to repeal, amend and re-enact Section 95.768 Kentucky Revised Statutes, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That:

1. Section 95.768, Kentucky Revised Statutes, 1946 Edition be, and the same is now repealed, amended and re-enacted.

2. The Police and Firemen's Pension Fund in cities of the fourth class shall consist of (a) the proceeds of an annual tax, which may be levied by the City Legislative Body, of not more than three cents on each one hundred dollars in value of taxable property, (b) all rewards, fees, gifts or emoluments paid or given on account of extraordinary service of any member of the police or fire department; (c) assessments, which

the Board of Trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than three and one-half per cent of his salary, to be held from the monthly salary and paid by the City Treasurer into the Pension Fund.

3. Said fund shall be for the pensioning of any policeman or fireman who has served in the Police or Fire Departments for at least a period of twenty years or more, providing the applicant has reached his fifty-first birthday, and all members of the police and fire departments shall be entitled to be credited with the services rendered continuously prior to the adoption ordinance under the provisions of Section 95.761, Kentucky Revised Statutes, by said City, to the eligibility of the twenty year, or more, period for pension, not less than three, nor to exceed fifteen years of previous service, and for the further purpose of pensioning any member of the Police or Fire Department who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under the age of fourteen (14) years of age, or either of them, of any member of said departments who may lose his life while in the service and on active duty. The payments made under the provisions of this Section shall constitute and be kept as a fund to be called the "Policemen's and Firemen's Pension Fund," and the Board of Trustees of the Policemen's and Firemen's Pension Fund, and declared to be the trustees of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

All laws, or parts of laws, in conflict herewith are repealed.

S. B. No. 115. An Act to amend Section 186 of the Constitution of the Commonwealth of Kentucky relating to distribution of public school funds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186 of the Constitution of the Commonwealth of Kentucky is amended by repealing said section in its entirety and enacting in lieu thereof the following:

All funds accruing to the school fund shall be used for the maintenance of the public schools of the Commonwealth, and for no other purpose, and the General Assembly shall by general law prescribe the manner of the distribution and use of the public school fund for public school purposes. Provided that each school district in the Commonwealth shall receive on a census pupil basis its proportionate part of at least seventy-five per cent of any fund accruing to the school fund. The remainder of any fund accruing to the school fund may be distributed upon other than a census pupil basis.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.170 and 118.430.

S. B. No. 123. An Act to repeal, amend and re-enact Section 57.340, Kentucky Revised Statutes, relating to statutes and codes furnished to circuit judges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 57.340, Kentucky Revised Statutes, be repealed, amended and re-enacted so that when re-enacted said section shall read as follows:

On a certificate from any circuit judge that he does not have a copy of the latest edition or revision of the statutes

of Kentucky, or does not have the latest edition or revision of the Kentucky Codes of Practice, or that his copy of the Revised Statutes or Codes has been lost, mutilated or torn, the State Librarian shall furnish to the circuit clerk for the use of the circuit judge a new copy of any edition of the Revised Statutes or the Codes of Practice needed or requested by the circuit judge, whether published by the State or privately published, and shall furnish from time to time any supplement issued to the statutes or codes so needed or requested. The Librarian shall certify the cost of any such book to the Department of Finance, which shall issue its warrant on the State Treasurer for the amount, payable out of the general fund.

S. B. No. 148. An Act amending Sections 410 and 411 of the Civil Code of Practice, relating to actions in which defendants are constructively summoned.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 410 of the Civil Code of Practice is amended to read as follows:

Before judgment is rendered against a defendant constructively summoned and who has not appeared, a bond shall be executed, with good surety approved by the court, to the effect that, if the defendant shall procure a vacation or modification the judgment, the person in whose favor it was rendered shall restore to the defendant any property or money obtained under such judgment, restoration of which shall be adjudged. If the judgment be in favor of persons having distinct interests, such bond may be executed for each, according to his interest. However, neither this section nor Section 411 shall apply in actions in which the Commonwealth, or a city, county or any political subdivision of this state, is a party plaintiff, and is the beneficial owner of the demand sought to be collected.

§ 2. Section 411 of the Civil Code of Practice is amended to read as follows:

If the bond mentioned in Section 410 be not given, the court may enter a judgment ascertaining the rights of the parties, but shall retain control over and preserve any money or property or the proceeds thereof until the expiration of the period allowed to the defendant to appear and make defense —when, if no defense be made, such money or property or its proceeds shall be delivered according to the judgment.

S. B. No. 153. An Act to amend Section 246 of the Constitution of the Commonwealth of Kentucky, prescribing maximum salary limits for all public officers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Upon the concurrence of three-fifths of the members elected to each house of the General Assembly of the Commonwealth of Kentucky, the yeas and nays being taken thereon and entered in full upon their respective journals, Section 246 of the Constitution of the Commonwealth of Kentucky be, and the same is, amended and revised so that when amended and revised it shall read as follows:

No public officer, except the Governor, shall receive as compensation per annum for official services, exclusive of the compensation of legally authorized deputies and assistants which shall be fixed and provided for by law, but inclusive of allowance for living expenses, if any, as may be fixed and provided for by law, any amount in excess of the following sums: Officers whose jurisdiction or duties are co-extensive with the Commonwealth, and Judges and Commissioners of the Court of Appeals, Twelve Thousand Dollars ($12,000); Circuit Judges, Eight Thousand Four Hundred Dollars ($8,400); all other public officers, Seven Thousand Two Hundred Dollars ($7,200). Compensation within the limits of this amendment may be authorized by the General Assembly to be paid, but not retroactively, to public officers in office at the time of its adoption, or who are elected at the election at which this amendment is adopted. Nothing in this amendment shall permit any officer to receive, for the year 1949,

any compensation in excess of the limit in force prior to the adoption of this amendment.

§ 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the next general election for Members of the House of Representatives as provided by Sections 256 and 257 of the Constitution of Kentucky, and Section 118.430 of the Kentucky Revised Statutes.

S. B. No. 155. An Act to amend and re-enact KRS 296.255, relating to the investment of funds of domestic life insurance companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 296.255 of the Kentucky Revised Statutes is amended to read as follows:

In addition to the investments now authorized by law, the capital, surplus and all accumulations of every domestic life insurance company may be invested:

(1) In loans to veterans of World War II, guaranteed in whole or in part by the United States, pursuant to Title III of the Act of Congress, known as the "Service Men's Readjustment Act of 1944," as amended by Title 588, Public Law 268, 79th Congress, and any amendments thereto, provided such guaranteed loans are liens upon real estate.

(2) In the bonds, notes, or debentures of solvent, incorporated companies, existing under the laws of the United States or any state thereof, provided that such corporation shall not have defaulted in payment of interest or principal on any of its bonds, notes, debentures, or other evidences of indebtedness during the ten years immediately preceding the date of investment; and provided further that no part of the property of such corporation shall be subject to any lien or other obligation (except current taxes, mechanics' liens, and equipment trust certificates) entitled to priority of payment over said bonds, notes, or debentures; and that the in-

strument under which same shall have been issued shall provide that, except in the case of purchase money mortgages and purchase money liens, or pledges to or deposits with any court or government or agency thereof, or pledges to secure indebtedness incurred in the ordinary course of business and maturing in not more than one year, if the company shall at any time mortgage, pledge, or otherwise subject to any lien the whole or any material part of any property or assets owned by it, or thereafter acquired by it, it will secure the outstanding notes, bonds, or debentures ratably with the indebtedness or obligation secured by such mortgage, pledge or lien.

S. B. No. 156. An Act to amend and re-enact KRS 296.250, relating to investments by domestic insurance companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 296.250 of the Kentucky Revised Statutes is amended to read as follows:

Except as limited by KRS 296.280, the capital, surplus and accumulations of every domestic insurance company may be invested as follows:

(1) In bonds, notes, warrants and securities that are the direct obligation of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(2) In bonds, notes, warrants and securities that are the direct obligation of any state of the United States, or of the Dominion of Canada or any province thereof, if no default in payment of interest or principal has occurred within five years of the date of the investment therein, or, if the securities were issued less than five years prior to the date of investment therein, since issuance.

(3) (a) In bonds, notes, warrants and securities of any county, incorporated city or school district in any state of the United States or in any province of the Dominion of Canada

that are the direct obligation of such county, city or school district and for the payment of which the county, city or school district has lawful authority to levy taxes or make assessments, if the county, city or school district has not, within the preceding five years, defaulted in the payment of interest or principal of any of its bonds, notes, warrants or securities.

(b) In bonds that are payable from revenues or earnings specifically pledged therefor of any public toll bridge owned by any state, incorporated city or legally constituted public corporation or commission which has established and maintained a sinking fund for the payment of the interest and principal of any such issue, if the legality and validity of such issue of bonds has been decreed by the court of last resort having jurisdiction so to decide, and such issue has not been in default as to interest or principal within the preceding five years, or, if the securities were issued less than five years prior to the date of investment therein, since issuance.

(4) (a) In loans secured by entire mortgages, liens, notes or deeds of trust on fee simple, unencumbered, improved real property, or in the entire issue of bonds secured thereby, located in any state of the United States or in the Dominion of Canada. The sum loaned shall not exceed sixty-six and two-thirds percent of the value of the real property at the time of the investment, as shown by a valuation and appraisement in writing made under oath by at least two competent and impartial appraisers. The insurance company shall require the applicant to furnish a sworn statement as to the assessed value for taxation of the property for the three years immediately preceding the application. If the value of the land mortgaged, exclusive of structures thereon, is not worth fifty percent more than the sum loaned thereon, such structures must be insured in an amount not less than the difference between two-thirds of the value of the land, exclusive of structures, and the amount loaned, and the policy shall be payable to and held by the company or a trustee for its benefit and continued in force as long as the loan continues.

(b) The following shall not be considered as prior liens or encumbrances in the construction and application of this

subsection: Lease-hold estates of any duration, right of ways, servitudes, joint driveways, easements, party-wall agreements, current taxes and assessments not delinquent, and restrictions as to building, use and occupancy if there is not a right of reentry or forfeiture for violation and if there is no protection as to such forfeiture through a policy of title insurance.

(c) Nothing in this subsection shall be deemed to prohibit any insurance company from renewing or extending a loan for the original or a lesser amount where a shrinkage in value of the real property would cause its value to be less than fifty percent more than the sum loaned thereon as required by paragraph (a) of this subsection, nor to prohibit a company from accepting as part payment for real property sold by it a mortgage thereon for more than two-thirds of the purchase price of such real property.

(5) In bonds of the Federal Land Banks, issued under the provisions of the Act of Congress entitled the "Federal Farm Loan Act" and approved July 17, 1916, and any acts amendatory or supplemental to that Act; in the bonds of any Federal Home Loan Bank, issued under the provisions of the Act of Congress entitled the "Federal Home Loan Bank Act" and approved July 22, 1932; and in any bonds issued by the Home Owners' Loan Corporation, created by the Act of Congress entitled "Home Owners' Loan Act of 1933" and approved June 13, 1933. If any class of securities mentioned in this subsection is secured by the faith and credit of the United States being pledged for the payment of principal and interest, such class of securities shall be deemed to be covered by subsection (1) of this section.

(6) In the following real property:

(a) The building in which it has its principal office and the land upon which it stands, together with such other unencumbered real estate as is requisite for its convenient accommodation in the transaction of its business, but the amount invested in such real property shall not exceed five percent of the company's admitted assets. No real property shall be acquired by any domestic insurance company under this paragraph except with the approval of the director.

(b) Real property that has been mortgaged to it in good faith as security for loans previously contracted or for money due.

(c) Real property that has been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

(d) Real property that has been purchased at sales upon judgements, decrees or conveyances obtained or made for debts previously contracted in the course of its dealings.

(e) Unencumbered real property that has been acquired, in whole or in part, in exchange for real property of approximately the same value legally acquired and held by it, but the amount invested in any one parcel of property so acquired shall not exceed five per cent of the company's assets. This percentage limitation shall not apply to property owned by or mortgaged to a domestic insurance company on June 14, 1934.

(f) All property held by an insurance company under this subsection shall be deemed to be property that is proper and necessary for carrying on its legitimate businesses within the meaning of KRS 271.145.

(7) In equipment securities evidencing rights to receive partial payments agreed to be made upon any contract of leasing or conditional sale of rolling stock for use by companies operating railroads in the United States or the Dominion of Canada, if no default in payment of interest or principal of such securities has occurred within five years of the date of the investment therein, or, if such securities were issued less than five years prior to the date of investment therein, since issuance, and if the issue thereof has been approved by the proper public authority where such approval was required by law at the time of issue.

(8) In bonds or other evidences of indebtedness of terminal, belt line and railroad companies in the United States or Canada, adequately secured by first mortgage or pledge of property of the corporation issuing them, or held in trust for its use or benefit, or by adequate collateral so secured, if no default in payment of interest or principal has occurred within five years of the date of the investment therein, or, if such bonds were issued less than five years prior

to the date of investment therein, since issuance, and if the issue thereof has been approved by the proper public authority where such aproval was required by law at the time of issue.

(9) In bonds of any telegraph or telephone corporation, or corporation engaged in furnishing gas, electricity, heat, light, power or water, directly or indirectly, to the public in a city in the United States or Canada having not less than twenty-five thousand inhabitants, if the bonds are adequately secured by first mortgage upon franchises or property owned and used by the corporation in its business, and if the issue has been approved by the proper public authority where such approval was required by law at the time of issue, and if the corporation issuing such bonds has not defaulted in the payment of interest or principal upon any of its bonds at any time during five years prior to the date of investment therein.

(10) In bonds of any solvent industrial corporation, adequately secured by first mortgage upon property owned and used by the corporation in its business, if the bonds are listed on the New York Stock Exchange or the New York Curb Exchange, and if the corporation issuing the bonds has not defaulted in the payment of either interest or principal upon any of its bonds at any time during ten years prior to the date of investment therein.

(11) (a) In stocks of any state bank or trust company or of any national bank incorporated under the laws of the United States or a state of the United States, not subject to assessment for double liability, if the bank or trust company has been in existence for five years previous to the investment. Such bank or trust company stock, irrespective of double liability, may be accepted as collateral on loans.

(b) In the preferred stocks of any company organized under the laws of the United States or a state of the United States which company has continuously and regularly paid the dividends provided for thereby during the five years previous to the investment and which stocks are listed on the New York Stock Exchange or the New York Curb Exchange; provided that with respect to preferred stocks issued within five years, the foregoing requirements as to dividend payments shall apply only from the date of issuance; but in such

cases the net earnings of the company and its subsidiaries available for fixed charges of the company and its subsidiaries and/or the net earnings of any predecessor organizations and their subsidiaries available for fixed charges of such predecessor organizations and their subsidiaries, shall average an amount per annum for the preceding five fiscal years at least equal to two times the total of the annual interest charges (including amortization of debt discount and expense) and dividends guaranteed, if any, and the preferred dividend requirement on a pro forma basis. Within the meaning of this subsection, the term "net earnings available for fixed charges" shall mean net income after deducting operating and maintenance expenses, taxes other than federal and state income taxes, depreciation and depletion, but excluding extraordinary non-recurring items of income or expense appearing in the regular financial statements of the issuing company. The listing requirement set forth above shall be deemed to have been complied with in the case of preferred stocks issued within five years if an application has been made, or is stated in the offering prospectus to be contemplated, to list such securities on the New York Stock Exchange or the New York Curb Exchange.

(12) Any domestic insurance company other than life may invest its surplus, and that part of its capital in excess of fifty percent of the minimum capital required by law, in dividend-paying stocks of any solvent corporation organized under the laws of the United States or a state of the United States or the Dominion of Canada or any province thereof, if the corporation has been in existence for five years previous to the date of investment therein.

(13) Any life insurance company may make loans to any policy-holder upon the security of its own policies to an amount which shall be adequately secured thereby, and shall not in any case exceed the surrender value specified in the policy.

(14) In the collateral loans described in KRS 296.260 and in the loans and investments described in KRS 386.030 and KRS 386.050.

(15) In obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development.

(16) In deposits of cash in a checking or savings account, under certificates of deposit or in any other form in banks, trust companies, or Federal Savings and Loan Associations, which have qualified for the insurance protection afforded by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(17) Nothing herein contained shall be construed as repealing by implication or otherwise KRS 296.290 (2).

S. B. No. 160. An Act Repealing and Re-enacting Section 117.210 Kentucky Revised Statutes, 1946 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 117.210 Kentucky Revised Statutes, 1946 Edition be, and the same is, hereby repealed and re-enacted so that as re-enacted said Section shall read as follows:

"117.210 (1486b-34) Employes of board. The board of registration commissioners shall appoint a registrar and an assistant registrar who shall act as respectively secretary and assistant secretary of the board. They shall have general charge of its office, records and employes under the supervision and direction of the board and shall perform the duties that the board prescribes. They shall hold office at the pleasure of the board and devote their entire time to the duties of their office. They shall be members of opposite political parties, each member of the board having the right to designate the one to be chosen from the political party of which he is a member. The board may employ clerks and employes for such periods of time as it deems necessary for the proper conduct of its business. The employes of the board shall be employed as nearly as practicable in equal numbers from the two political parties represented on the board. The board may require bond with security from the registrar or any employe, and may fix the terms and penalty of the bond. The registrar and assistant registrar shall each receive the

same annual salary, to be fixed by the board at a reasonable sum, and the compensation of all clerks or employes shall be fixed by the board at a reasonable sum. All salaries and compensation shall be paid by the board."

S. B. No. 173. An Act to regulate the practice of veterinary medicine, surgery, and dentistry in the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Board" means the Kentucky Board of Veterinary Examiners.

(b) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(c) "Animal" means any animal except human beings.

(d) "Compensation" includes any gift, bonus, fee, money, credit or other thing of value.

(e) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed in the Commonwealth of Kentucky.

(f) "Practicing veterinary medicine" except as hereinafter stated, means: A person shall be considered as practicing veterinary medicine who holds himself out as being able to diagnose, treat, operate on, or prescribe for any animal disease, pain, injury, deformity or physical condition and who shall either offer or undertake by any means or methods to diagnose, treat, operate on or prescribe for any animal pain, injury, deformity or physical condition for compensation; or who for compensation or with expectation of receiving compensation, advises, recommends, administers or dispenses a drug, medicine, appliance or application, operation or treatment of whatever nature for the prevention, cure or relief of a wound, fracture or bodily injury or disease of any animal;

or any person who shall advertise or hold himself out to the public as a veterinary physician, surgeon, or specialist or who shall use any title so indicating or who shall append to his name either by prefix, affix, or otherwise, the letters V. S., D. V. S., M. D. V., D. V. M., V. M. D. or B. V. Sc.

Section 2. There hereby is created a board to be known as the "Kentucky Board of Veterinary Examiners." Said Board shall consist of the Commissioner, who shall be Chairman, and four (4) appointed members. A person to be eligible for appointment as a member of said Board shall be a citizen of the Commonwealth of Kentucky who shall have been lawfully engaged in the practice of veterinary medicine in this Commonwealth for at least five (5) years next preceding the date of his appointment. No person shall be eligible to be or remain an appointed member of said Board who during any part of the aforesaid five year period next preceding his appointment, or at the time of his appointment, or during his term is or has been a stockholder, member of the faculty or board of trustees of any college of veterinary medicine, surgery or dentistry that awards a degree in any of those subjects, or who is financially interested in any such college. The term of office of the four (4) appointed members first appointed shall be one, two, three and four years, respectively, from March 1, 1948. Said members shall be appointed by the Governor, who shall designate the member to serve for the term of one year, the one who shall serve for the term of two years, the one who shall serve for the term of three years and the one who shall serve for the term of four years. Upon the expiration of the respective terms of the members first appointed the term of each successor shall be four years. Any vacancy in the membership of said Board shall be filled for the unexpired term by appointment by the Governor. On or before March 1, 1948, and annually thereafter, the Governor shall appoint one member of said Board, qualified as aforesaid, for the four (4) year term. Each member of the Board shall receive Twenty-five Dollars ($25.00) per day for each day of service actually given in carrying out his duties under this Act, in addition to his necessary traveling, hotel and contingent expenses incurred in attending the meetings of the

Board and in the performance of his duties, to be paid as the compensation and expenses of other officers are paid, except that they shall be paid out of the funds received under this Act. Each member, before beginning his term of office, shall file with the Secretary of State his written oath for the faithful discharge of his official duties.

Section 3. The members of the Board shall hold their first meeting as soon as practicable after they are appointed and qualified. They shall immediately proceed to organize by electing a Vice-Chairman and a Secretary-Treasurer. The last officer, namely, Secretary-Treasurer, need not be a member of the Board but shall possess all of the qualifications required of a person to be eligible for appointment as a member of said Board. Said officers shall hold their respective offices at the pleasure of the Board.

The Board shall hold a regular meeting for giving examinations under this Act on the last Monday in February and on the last Monday in July of each year, and such additional meetings for examinations or for any other purposes as the Board may deem necessary.

All meetings of the Board shall be held at the State Capitol at such time and at such place as the Board may see fit, and due notice shall be given to each member of the Board of the time and place of each meeting, and due notice shall be given to all applicants for examination for a license of the time and place at which the examination will be given.

Said Board shall adopt and have a common seal bearing the name "Kentucky State Board of Veterinary Examiners."

The Board shall make and adopt such by-laws, rules and regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of this Act.

Section 4. The Board shall fix the amount of the monthly or annual salary to be paid to the Secretary-Treasurer for his services and may assign to the Secretary-Treasurer such duties as it may determine which are not inconsistent with the provisions of this Act. If the Secretary-Treasurer be a member of the Board he shall not be allowed and shall not draw the per diem compensation provided in Section 2 of this

Act but shall only draw such compensation or salary as the Board may fix pursuant to the provisions of this Section. The Secretary-Treasurer shall be required to give bond, to be approved by the Board, for the faithful performance of his duties, and said bond shall be filed in the office of the Secretary of State.

The Board shall employ, and at its pleasure discharge, such stenographers, clerks and other employees as it shall deem necessary to discharge the duties imposed upon it by the provisions of this Act, and the Board shall outline the duties and fix the compensation of each person employed by it, subject to the general laws of this State. The Board shall obtain such office space, furniture, stationary, fuel, light and other proper conveniences as shall be reasonably necessary to carry out the provisions of this Act.

Section 5. All licenses to practice veterinary medicine in this Commonwealth which have heretofore been issued under the laws of this Commonwealth and which have not been revoked and which are in effect at the time of the effective date of this Act, shall continue to be valid under the terms of this Act and may be renewed from year to year, as hereinafter provided, but shall be subject to revocation as in this Act provided. The holder of any such existing valid license shall not be required to take any other or further examination unless said license be revoked or suspended as provided in this Act, but each said license shall be renewed annually on or before June 30th in each year. Every licensed veterinarian shall have his license renewed each year on or before June 30th, the renewal to be as of July 1st of each year.

(2) Any person who had been a practioner of veterinary medicine, surgery or dentistry in this Commonwealth for a period of one (1) year next prior to March 24, 1916, upon application to the Board and the payment to the Board of a fee of twenty-five ($25.00) dollars, shall be entitled to a license, and said Board shall issue to such applicant a license on the standard form used and approved by the Board, signed by its Chairman and Secretary-Treasurer and attested by its seal, which license he shall have recorded in the office of the county court clerk of the county in which he resides, as pro-

vided in Section 11 of this Act. No license shall be issued under the provisions of this subsection after the 30th day of June, 1948, except as to applications filed with the Board prior to said date.

Section 6. It shall be the duty of the Secretary-Treasurer of the Board to collect, account for and pay into the State Treasury all fees provided by this Act, and to keep a book for a permanent record showing the names and addresses of all persons in this Commonwealth who hold a veterinarian's license, the names and addresses of all persons to whom a veterinarian's license is issued by the Board, and the names and addresses of all veterinarians whose license is renewed in each year and the date of such renewal, and such other records as the Board may prescribe.

Section 7. The Board, upon application and payment of a fee of Twenty-five Dollars ($25.00) may issue a license, without any examination, to any person who holds a veterinarian's license issued to him by the proper authority of any other State of the United States or any Country, if the requirements of such State or Country under which the said license was issued, at the time of the issuance of such license, were of a standard not lower than the standards required for the issuance of a new license under the provisions of this Act and if such other State or Country recognizes and accepts the veterinarian's licenses issued under the provisions of this Act. The Board may make all rules and regulations, not inconsistent with this Act, governing the matter of reciprocity with other States and Countries, and among other things may require that such applicant submit proof, satisfactory to the Board, of his good moral character and fitness, and that such applicant has been actively engaged in the practice of veterinary medicine for such period of time as may appear to the Board to be reasonable, not less, however, than a period of one year next preceding the date of such application.

Section 8. Any person not entitled to a license or to a certificate of license under the provisions of Sections 5 and 7 of this Act, or any person who hereafter shall wish to practice veterinary medicine in this Commonwealth, before entering upon the practice of veterinary medicine shall first pass an

examination as to his qualifications and fitness to engage in such practice. Said examinations shall be conducted by the Board. An applicant for such examination shall be a graduate of a veterinary college having standards and requirements equal to the standards and requirements adopted by the American Veterinary Medical Association in 1941. He shall be at least twenty-one years of age and shall be of good moral character.

An application to the Board for admission to a licensing examination shall be filed with the Secretary-Treasurer of the Board on forms prepared and approved by the Board, which forms will be furnished to the applicant by the Secretary-Treasurer without cost to the applicant. Each applicant must submit with his application proof, satisfactory to the Board, that he is a graduate of a veterinary college meeting all of the standards for approval by the American Veterinary Medical Association, as aforesaid; that he is at least twenty-one years of age, and of good moral character. Each application shall be accompanied by the payment to the Board of an examination fee of Twenty-five Dollars ($25.00).

No person hereafter shall be examined by the Board unless:

(a) He shall have paid to the Board Twenty-five ($25.00) in advance, which in no case is returnable, and

(b) He shall have presented to the Board satisfactory proof of his qualifications to be admitted to the examination, as provided in this Act.

Each person who successfully passes an examination before the Board shall receive a certificate of license to practice veterinary medicine, which license shall be signed by the Chairman and Secretary-Treasurer of the Board, and the seal of the Board shall be affixed thereon. The certificate of license shall state that the person to whom it is issued has passed the prescribed examination and is competent to practice veterinary medicine, surgery and dentistry. A copy of such license shall be recorded by the Secretary-Treasurer of the Board in a book kept for that purpose, which shall be open to public inspection.

Section 9. Each examination hereabove provided for shall be held by the Board upon the following subjects:

(1) The subjects of the written examination shall be:

(a) Anatomy, including histology and embryology.

(b) Physiology and biochemistry.

(c) Bacteriology and immunology.

(d) Pathology and diagnosis.

(e) Parasitology.

(f) Medicine, Materia medica, therapeutics, pharmacology.

(g) Surgery.

(h) Obstetrics.

(i) Sanitation, hygiene, meat and milk inspection.

These examinations may include questions on hygiene, sanitation and preventive medicine.

Any candidate who fails in more than two subjects of the written examination shall be considered as conditioned in those subjects and may remove the condition at any subsequent examination held within two years, without the payment of an additional fee. If he fails in more than two subjects he shall be re-examined in all subjects of the written examination and shall pay an additional fee of Twenty-five Dollars ($25.00) for each such examination.

(2) In addition to the written examination, each applicant shall be subjected to a practical examination and the subjects of the practical examination and their scope shall be as follows:

Part I Horses—Handling and restraint, physical examination, diagnosis and treatment.

Part II Cattle—Handling and restraint, physical examination, diagnosis and treatment of diseases, examination for pregnancy.

Part III Milk production—Physical examination of cattle with special reference to the production of wholesome milk.

Part IV Dogs and cats—Handling and restraint, recognition of the breed, physical examination, diagnosis and treatment.

Part V Sheep, goats, swine and poultry—Handling and restraint, physical examination, diagnosis and treatment.

These examinations shall be conducted in such manner that the results shall be entirely fair and impartial, and with respect to that part of the examinations conducted in writing the applicants shall be known only by numbers, so that no member of the Board shall be able to identify the papers of any applicant until they have been graded, and all questions and answers, with the grade attached, shall be preserved in the office of the Board for at least two years. All applicants examined at any one time shall have the same questions asked them and shall be required to make an average grade of at least seventy-five with a minimum of sixty in any one branch or subject in order to successfully pass the examination.

Section 10. The Board shall keep a record of its proceedings in a book provided for that purpose, which book shall be open for inspection, and shall record the name of each applicant, the time of granting a certificate of license, the names of the members of the Board present; and where a certificate of license is denied by the Board to any applicant under the authority of this Act, the fact and ground of each denial shall be entered in the minutes of the Board and shall be communicated in writing to such applicant.

Section 11. Every person receiving a certificate of license from the Board shall forthwith have it recorded in the office of the county clerk of the county in which he resides, and the date of such recording shall be endorsed thereon; and said certificate of license when so recorded shall not be collaterally questioned in any legal proceedings. Until his certificate of license is recorded the holder shall not exercise any of the rights or privileges therein conferred. The clerk shall be paid fifty cents (50c) for recording each certificate and making the report thereof provided for in Section 12 of this Act. Any registered veterinarian moving his residence from one county in this State to another in order to practice veterinary medicine shall in like manner record the certificate of license in

the county to which he removes and the holder of the certificate shall pay to the county court clerk the usual fee for so doing. Veterinarians who have registered in the county in which they reside may go from such county to another or other counties on professional business without being required to register in such other county or counties.

Section 12. The county court clerk of each county shall keep in a book provided for that purpose a complete list of the certificates of licenses recorded by him, together with the date of each and the date of recording. If the certificate of license was issued after examination and not under Sections 5 and 7 of this Act, the said county clerk shall enter the name of the veterinary college which conferred the diploma upon the licensee upon which his admission to the examination was based and the date when conferred. In any case the clerk hereafter, beginning with the last Monday in August, 1948, and annually thereafter, shall report to the Secretary-Treasurer of the Board a list of all veterinarians whose certificates of license have been recorded in his office.

Section 13. All fees and other monies received by the Board pursuant to the provisions of this Act and pursuant to the provisions of Chapter 321 of the Kentucky Revised Statutes (which is repealed by this Act) shall be paid to the Secretary-Treasurer of the Board for the use of the Board and shall be deposited in the State Treasury to the credit of a revolving fund for the use of the Board. No part of this revolving fund shall revert to the general funds of this Commonwealth. The compensation of members of the Board and the Secretary-Treasurer of the Board and all of the employees of the Board and all expenses incurred by the Board shall be paid from this revolving fund. No such compensation or expenses shall be charged against the general funds of this Commonwealth. The Board shall file an annual report of its activities with the Governor and such report shall include a statement of all receipts and disbursements.

Section 14. All persons licensed under the provisions of this Act shall, on or before June 30th of each year, apply to the Board for the renewal of his license and the applicant shall pay to the Board with each such application a fee, the

amount of which shall be determined and fixed by the Board, not to exceed Ten Dollars ($10.00). The Board, upon receipt of such application and renewal fee, shall issue to the applicant a certificate of renewal of such license under the seal of the Board, signed by the Chairman and Secretary-Treasurer. Any veterinarian who fails to have his license renewed shall forfeit his right to practice veterinary medicine after sixty (60) days from the time of notice of such failure has been mailed by the Secretary-Treasurer of the Board to his last address as shown on the records of said Board. The Secretary-Treasurer shall mail to each licensed veterinarian in this Commonwealth a form of application on or before June 1st in each year. The failure of any veterinarian to obtain a renewal of his license on or before June 30th of each year shall operate, ipso facto, as a forfeiture of the license of such delinquent at the expiration of sixty (60) days after such delinquency until such licensee obtains a reinstatement of the license upon application to the Board within six (6) months after such delinquency. The Board may reinstate such license upon application of the holder if the application be received by the Board within six (6) months from the date the delinquency occurred, upon the payment to the Board of a reinstatement and renewal fee of Fifteen Dollars ($15.00). When a license has become forfeited as provided in this section, and during the period of such forfeiture, the person holding such license shall not have or exercise any rights or privileges by reason thereof. Provided, however, the license of any veterinarian shall remain in full force and effect without any renewal thereof and without the payment of any renewal fee during the time that the holder thereof is actively serving in any of the armed forces of the United States and for six months thereafter. Within six months after the termination of such service the holder of the license may have it renewed as hereinabove in this Section provided.

Section 15. Except as hereinafter in Section 16 provided, no person shall practice veterinary medicine or perform any of the duties usually performed by a veterinarian unless such person at the time holds a certificate of license to practice veterinary medicine issued and validly existing under the laws of this Commonwealth and whose license is duly recorded

in the county in which the holder resides, as provided in this Act. No person who violates any of the provisions of this Section may receive or accept any compensation for services so rendered.

Section 16. None of the provisions of this Act shall be construed to prohibit any of the following:

(1) Any person from gratuitously treating animals in cases of emergency if they do not represent themselves to be veterinarians or use any title or degree pertaining to veterinary practice.

(2) The owner of any animal or animals and the owners' full-time, regular employees from caring for and treating any animals belonging to such owner.

(3) Any person from castrating animals, from dehorning cattle, or trimming or cutting the ears or tail, from treating minor sprains, cuts or other minor injuries of animals when such person does not represent himself to be a veterinarian or use any title or degree pertaining to veterinary medicine.

(4) Nothing in this Act shall prevent any student enrolled in any veterinary school or college or any employee from working under the direct instructions, direct control or direct supervision of a veterinarian who is duly licensed under the laws of this Commonwealth and whose compensation is paid solely by such licensed veterinarian.

(5) Non-licensed veterinarians and others in the United States Army or United States Bureau of Animal Industry while engaged in the performance of their official duties, or other lawfully qualified veterinarians residing in other States, meeting licensed veterinarians of this State in consultation, or any lawfully qualified veterinarian residing near the border of a neighbor State and authorized under the laws of that State to practice veterinary medicine in that State whose practice extends into the limits of this State; but such practitioner shall not open any office or appoint any place to meet clients or prospective clients within the limits of this State.

(6) Nothing in this Act shall prevent any person from treating diseases of animals for compensation at any place which is twenty (20) miles or more distant from the office or

place of business of the nearest practicing veterinarian who is licensed as such under the laws of this Commonwealth.

Nothing in this chapter shall interfere with the professional activities of any licensed pharmacist or prevent him from selling drugs, medicines, appliances or any other product used in the prevention or treatment of swine diseases.

Section 17. The Board may refuse to issue a certificate of license provided for in this Act for any of the following causes:

(1) The presentation to the Board of any license, certificate or diploma which was illegally or fraudulently obtained, or for any fraudulent conduct of the party in passing an examination given under the provisions of this Act.

(2) Habitual drunkenness or habitual addiction to the use of narcotics.

Section 18. The Board may suspend or revoke a certificate of license or license for any of the causes for which it may refuse to grant a license under the provisions of this Act, and for the following causes:

(1) For dishonesty in applying a tuberculin test on cattle or making a false record of such test.

(2) For dishonesty in applying a brucellosis (Bang's disease) test or making a false record of such test.

(3) For the procuring of a license by fraudulent means.

(4) For false advertising of medical practice intended, or having a tendency, to deceive and defraud the public.

(5) For the conviction of any felony or crime involving moral turpitude.

(6) Any gross negligence, incompetence or misconduct in the practice of veterinary medicine in this Commonwealth.

Section 19. The Board, before denying an application for license under the provisions of Section 17 of this Act or before suspending or revoking any license under the provisions of Sections 17 and 18 of this Act, shall set the matter down for hearing; and, at least twenty (20) days prior to the date set for the hearing it shall notify the applicant or licensee in

writing, which said notice shall contain an exact statement of the charges made and the date and place of the hearing. The applicant or licensee in all hearings shall have the opportunity to be heard in person and by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the applicant or licensee or by mailing same by registered mail to the last known business address of such applicant or licensee. The hearing on such charges shall be at such time and place as the Board shall prescribe.

Section 20. In the preparation and conduct of such hearings the Board shall have the power to require by subpoena the attendance and testimony of witnesses and the production of papers and records, and any member of the Board, when authorized by the Board, may sign and issue subpoenas, administer oaths and affirmations, examine witnesses and hear and receive evidence. The fees and mileage shall be the same as prescribed by law in judicial procedure in the courts in this State in civil cases. Any party to any hearing before the Board shall have the right to the attendance of witnesses in his behalf at such hearing upon making a request thereof to the Board and designating the person or persons sought to be subpoened and their location or addresses.

In case of disobedience to the subpoena the Board may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of records and papers; and such court may issue an order requiring the persons to appear before the Board and give evidence and to produce records and papers, as the case may be; and any failure to obey such order may be punished by the court as contempt thereof.

Testimony may be taken by deposition as in civil cases and any person may be compelled to appear and to depose in the same manner as witnesses may be compelled to appear and testify as hereinabove provided.

Any person who shall neglect or refuse to attend and testify or to answer any lawful inquiry or to produce documentary evidence if in his power to do so, in obedience to a subpoena or lawful requirement by said Board or member thereof, shall be guilty of a misdemeanor and upon conviction

thereof by a court of competent jurisdiction shall be fined not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00) or imprisoned not less than ten (10) days nor more than thirty (30) days, or both so fined and imprisoned in the discretion of the jury.

Section 21. The witnesses and officers who serve the subpoenas shall be entitled to the fees allowed in civil actions in the circuit courts of this Commonwealth. Such fees shall be audited and paid in the same manner as other expenses of the Board are audited and paid. No witnesses subpoened at the instance of any party other than the Board shall be entitled to the payment of fees by the Board unless the Board certifies that the testimony of such witness was material.

Section 22. If the Board, pursuant to the provisions of Section 17 of this Act, shall determine, after due hearing, that any applicant is not entitled to receive a license such license shall not be granted to the applicant; and if the Board, after due hearing, shall determine that any licensee is guilty of a violation of the provisions of Sections 17 or 18 of this Act the license shall be suspended or revoked. The Board, upon request of the applicant or licensee, shall furnish said applicant or licensee with a definite statement of its findings of fact and its reason or reasons for refusing to grant the license or suspension of the rights of the licensee or for revocation of the license, as the case may be. The findings of fact by the Board acting within its powers shall, in the absence of fraud, be conclusive, but any person aggrieved shall have the right of an appeal from the findings of the Board.

Upon suspension or revocation of any license or certificate of license it shall be the duty of the Board to give official notice of such action, under seal, to the county clerk of the county in which the holder is registered, and such name shall be marked as suspended for the period indicated or stricken from the register in accordance with such notice, and if such holder shall continue the practice he shall thereupon be subject to the penalties provided in this Act.

Section 23. Any party aggrieved by the action of the Board in refusing to grant a license, or in suspending or revoking a license upon the basis of the provisions of sections

17 and 18 of this Act, or either of said sections, within thirty (30) days after the entry by the Board of such order of refusal, revocation or suspension, may bring an action against the Board in the Franklin Circuit Court to vacate or set aside the order of the Board on the ground that it is unlawful or unreasonable. Service of summons or any notice upon the Board may be made on the Chairman or the Secretary-Treasurer of the Board, which will constitute effective service on said Board and all its members.

The answer of the Board shall be filed within twenty (20) days after the Board is served with process in such action. The action will then be at issue, and stand ready for trial upon ten (10) days notice to either party, on the equity side of the docket of the court. Injunctive relief may be granted by the court in the manner and upon the terms provided by law.

Section 24. If an action is commenced against the Board, as authorized in Section 23 of this Act, the Board shall promptly cause a certified transcript of all proceedings had and testimony taken therein to be made and filed with the Clerk of the Court in which the action is pending. The cost of preparing and certifying the record shall be paid to the Board by the party bringing the action, and taxed as part of the costs, to be paid as directed by the Court upon final determination of the action. Copies of the transcript shall be furnished at cost to any party to the proceeding. The action or appeal shall be determined by the Court upon the record certified and filed as herein provided, and no new or additional evidence shall be heard or considered by the Court unless it appears to the Court from said record that the complaining party was denied the opportunity of a fair hearing before the Board.

The Court shall enter a judgment either sustaining the order of the Board, or setting aside, or vacating it in whole or in part. Either party to the action may, within sixty (60) days after the entry of the judgment of the Circuit Court, appeal to the Court of Appeals and the appeal when filed in the office of the Clerk of the Court of Appeals shall be docketed and advanced in the same manner as Commonwealth cases.

Section 25. No person who has had a license revoked for cause shall be issued another license within five (5) years from the date of such revocation.

Section 26. Any person who shall violate or aid in the violation of any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars ($10.00) nor more than Five Hundred Dollars ($500.00), or sentenced to jail for not less than ten (10) nor more than ninety (90) days, or both so fined and imprisoned in the discretion of the jury.

Section 27. The practice of veterinary medicine, veterinary surgery or veterinary dentistry by any unregistered, unlicensed person hereby is declared to be a menace and a nuisance, dangerous to the public health and safety, and it shall be the duty of the Board to promptly abate or cause to be abated such practice by instituting or causing to be instituted in the name of the Commonwealth of Kentucky, on relation of said Board, a suit in a court of competent jurisdiction in the county in which such practice is conducted for an injunction, and upon proof of such violation the court shall issue an injunction prohibiting such persons from engaging in the practice of veterinary medicine, veterinary surgery or veterinary dentistry unless it shall appear to the court that such practitioner is duly licensed and registered as provided in this Act. The Board hereby is empowered to file such petitions and prosecute such actions, and it is made its duty so to do. The liability for or imposition of penalties provided for in this Act shall not constitute any basis or grounds for the denial or an injunction to prohibit the practice of veterinary medicine, veterinary surgery or veterinary dentistry without a certificate of license as provided in this Act.

Section 28. Chapter 321 of the Kentucky Revised Statutes hereby is repealed in its entirety; and all other laws and parts of laws in conflict herewith hereby are repealed to the extent of such conflict.

Section 29. The sections, clauses, sentences and parts of this Act are severable and are not matters of mutual essential inducement; and if any one or more of the provisions of this

Act shall be adjudged invalid or inoperative such judgment shall not invalidate the remaining provisions of this Act but such judgment shall be confined in its operation to the specific provision or provisions so held invalid or inoperative; and the inapplicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not affect the applicability or validity in any other instances or the validity or application of any other part or provision of this Act.

Secton 30. Whereas, the practice of veterinary medicine by unqualified person or persons endangers the public health and safety, and whereas the present laws of this Commonwealth with respect to the practice of veterinary medicine or inadequate to safeguard life, health and property, an emergency is declared to exist and this Act shall become and be effective immediately upon its passage and approval by the Governor.

S. B. No. 200. An Act creating a Sinking Fund Commission to invest certain funds of the Commonwealth, and defining its powers and duties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A Sinking Fund Commission hereby is created, which shall be composed of the Governor, the State Treasurer, the Commissioner of Revenue, the Attorney General, and the Commissioner of Finance. It shall have the authority, but shall not be required, to invest, in direct obligations of the United States Government, or direct obligations of the Commonwealth of Kentucky, any or all sinking funds of the Commonwealth, and any or all other funds of the Commonwealth to the extent that such funds contain surplus sums in excess of the sums required to meet appropriations or other charges against such funds, except that such authority shall not extend to any funds that are specifically provided by law to be invested by some other officer or agency of the

State Government. It shall have the authority to enter into contracts with the United States Government, or any department of the Commonwealth of Kentucky, to carry out the provisions of this Act. The above authority is limited to this extent only: Any investment herein authorized shall be one that will empower the Commission to demand par value payment of the securities invested in upon ninety (90) days' notice.

Whereas, there are many millions of dollars of funds of the Commonwealth that are not bearing interest payable to the Commonwealth, an emergency is hereby declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

S. B. No. 205. An Act relating to the Highway Board of Claims, with particular reference to the time of holding meetings; amending section 176.300 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 176.300 of the Kentucky Revised Statutes is amended to read as follows:

The board shall hold regular sessions at Frankfort, Kentucky in January, May and September, beginning on a day to be fixed by the board, and such special sessions at such places as it deems necessary to expedite the business of the board. The board shall establish rules for its government and for the regulation of the method of pleading and practice before it. Any member thereof may subpoena witnesses, administer or cause to be administered oaths.

S. B. No. 206. An Act conferring additional powers and duties upon the Kentucky Statute Revision Commission, with respect to the preparation, publication and distribution of cer-

tain legal material, particularly an index to the Debates of the Constitutional Convention of 1890 and 1891.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In addition to the other duties imposed upon it by law, the Kentucky Statute Revision Commission shall formulate, supervise and execute plans and methods for the preparation, publication and distribution of a suitable index to the Debates of the Constitutional Convention of 1890 and 1891. The Commission shall determine the number of copies of said publications to be published, and shall fix the prices thereof. The printing required in connection with the publication of such index shall not be considered printing of the first class within the meaning of the statutes relating to public printing. The Commission is directed to prepare such index through assistants contracted with or employed by the Commission.

S. B. No. 208. An Act fixing and establishing the boundary line between the counties of Clinton and Cumberland, in the vicinity of the Dale Hollow Reservoir.

Said bill is as follows, viz.:

Whereas, doubt, confusion and uncertainty exists as to the true location of the boundary line between the Counties of Clinton and Cumberland, by reason of the building of the Dale Hollow Dam in the State of Tennessee, which has caused waters to backup and cover and obscure the natural objects upon which the original boundary was based,

Now, Therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the effective date of this Act the boundary between the Counties of Clinton and Cumberland

shall be deemed to commence at the point of commencement described in Chapter 245 of the Acts of 1835-36; from that point it shall run in a northeasterly direction following the original boundary line of Clinton County as described in said Acts of 1835-36, through the waters of the Dale Hollow Reservoir until it reaches low water mark on the shore of the said Reservoir; from that point it shall follow the western shore line of the Reservoir as it backs up the Ill Will Creek, crossing the mouth of Fanny's Creek and continuing up Ill Will Creek to the mouth of Saxton Fork; from that point it shall run with Saxton Fork in a westerly direction to the present boundary between Clinton and Cumberland Counties as clearly defined in Chapter 245 of the Acts of 1835-36; from that point it shall run in a general northerly direction following said clearly established boundary line to the termination thereof; it being understood that the lands lying to the east of the line herein described shall be embraced within Clinton County and the lands lying to the west of said line shall be embraced within Cumberland County.

S. B. No. 229. An Act to amend and re-enact Section 230.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 230.030 of the Kentucky Revised Statutes of 1946 be amended and re-enacted so as to read as follows:

(1) The Governor shall appoint a secretary of the Commission, for a term of not exceeding four years.

(2) The secretary shall keep a full record of the proceedings of the Commission, preserve at its general office all books, maps, documents and papers entrusted to the Commission, and perform such other duties as the Commission prescribes.

(3) The secretary shall receive an annual salary, to be fixed by the Commission, which shall be paid by proportionate contributions of the several racing associations licensed by

the Commission. The Commission, on or before December 1 of each year, shall assess upon each racing association its just proportion of the salary of the secretary.

Ordered that said bills be printed and referred.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz.:

By Mr. Martin.

H. B. No. 406. An Act to promote the safety of employees of and travelers upon railroads by requiring common carriers by railroad to man locomotives, trains, and other self-propelled engines or machines with competent employees; to provide the least number of men that may be employed in the operation of locomotives, trains, and other self-propelled engines or machines; to provide qualifications of certain employees; prescribing the rights, powers and duties of the Railroad Commission and the attorney-general in connection therewith; to provide a penalty for the violation thereof; and repealing all laws and parts of laws in conflict therewith.

Said bill is as follows, viz.:

TERMS DEFINED—COMPETENT EMPLOYEE—QUALIFICATIONS

Section 1. *Be it enacted by the General Assembly of the State of Kentucky,* That when used in this act and for the purpose of this act:

(a) The term "carrier" shall mean a common carrier by railroad, and any receiver or any other individual or body, judicial or otherwise, when in possession of the business of a carrier or carriers covered by this act, excluding street, suburban and interurban electric railways, unless operated as a part of a general railroad system of transportation, and excluding common carriers by railroad whose main line track is fifty miles or less in length.

(b) The term "locomotive" means any self-propelled unit operated by any form of energy or power, whether produced thereon or furnished from any outside source, and adapted for use in moving cars upon rails or for the transportation of passengers and/or freight or property, except locomotive cranes, pile-drivers, weed-burners, and other self-propelled engines or machines not used for the transportation of passengers and/or freight or property for hire.

(c) The term "light engine" means any locomotive operated without cars and not transporting passengers, freight or property.

(d) The term "passenger train" means any self-propelled unit while transporting passengers or any locomotive with one or more cars constructed for the purpose of transporting passengers, baggage, mail, express or combination of either or any.

(e) The term "freight train" means any train composed of one or more locomotives with one or more cars or other vehicles constructed for the purpose of transporting freight or other property not specifically referred to in the above definition of a passenger train.

(f) The term "engineer" means a person who operates a locomotive and performs related work.

(g) The term "fireman" means a person who fires a locomotive and/or assists an engineer in the performance of his duties as such.

(h) The term "conductor" means a person having charge of the operation of a train enroute, at stations and between stations, and who performs related work.

(i) The term "flagman" means a person whose duties are to furnish flag protection to the train to which he is assigned as prescribed by the rules of the carrier.

(j) The term "brakeman" means a person who assists a conductor in the operation and protection of a train, and who performs related work.

(k) The term "yard conductor" or "foreman" means a person whose duties are to supervise and assist in the work of switching and yard work train service, including supervision of the breaking up and the making up of trains, and to perform related work.

(l) The term "yard brakeman" or "helper" means a person whose duties are to couple, uncouple, and ride cars in connection with the breaking up and the making up of trains; to handle switches; and to perform related work in connection with yard switching service.

(m) The term "main track" means any continuous track over which trains operate through and between stations.

(n) The term "competent employee" means:

(1) One who is able to read and understand the time tables of the carriers by whom he is employed, and to read ordinary handwriting in the English language, and who is able to speak, hear, and understand the English language, and to see, distinguish, and understand the signals required by the book of rules of the carrier governing the operation of the locomotives and trains of such carrier. When defective sight can be remedied by the use of glasses or other means, such defective sight shall not thereby render an employee incompetent under this act.

(2) As applied to an engineer, one who, in addition to being possessed of the qualifications prescribed in paragraph (1) of sub-section (n) hereof, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing the position of an engineer.

(3) As applied to a conductor, one who, in addition to being possessed of the qualifications prescribed in paragraph (1) of sub-section (n) hereof, shall have passed the regular examination prescribed by carrier concerning rules and regulations governing conductors.

(4) As applied to a flagman, one who, in addition to being possessed of the qualifications prescribed in paragraph (1) of sub-section (n) hereof, shall have had at least one year's experience in train service and shall have passed the

regular examination prescribed by the carrier concerning the rules and regulations governing brakeman.

(5) As applied to a fireman, a brakeman, or a yard brakeman or helper, one who, in addition to being possessed of the qualifications prescribed in paragraph (1) of sub-section (n) hereof, shall have passed the regular examination prescribed by the carrier concerning the rules and regulations governing firemen, brakemen or yard brakeman or helpers.

(6) As applied to a yard conductor or foreman, one who, in addition to being possessed of the qualifications prescribed in paragraph (1) of sub-section (n) hereof, shall have passed a regular examination prescribed by the carrier concerning rules and regulations governing yard conductors or foremen.

PASSENGER TRAINS—CREWS—MEMBERS

Sec. 2. It shall be unlawful for any carrier to operate, or permit to be operated, any passenger train consisting of less than five cars, unless such train shall be manned by a a crew of competent employees, which crew shall consist of not less than one engineer, one fireman, one conductor, and one flagman, except that any passenger train propelled by a gasoline or gas-electric locomotive consisting of three or less cars including the locomotive, shall be manned by a crew of competent employees, which crew shall consist of not less than one engineer, one conductor, and one flagman. When any passenger train consists of five cars or more, any one or more of which carries passengers, or consisting of ten or more cars none of which is carrying passengers, such passenger train shall be manned by one brakeman, in addition to the crew prescribed for a passenger train of less than five cars. No member of the crew shall be permitted or required to perform the duties of a baggageman and/or express manager.

FREIGHT TRAINS—CREWS—MEMBERS

Sec. 3. It shall be unlawful for any carrier to operate, or permit to be operated, any freight train without a crew of

competent employees, which crew shall consist of not less than one engineer, one fireman, one conductor, one flagman, and one brakeman.

OTHER TRAINS—CREWS—MEMBERS

Sec. 4. It shall be unlawful for any carrier to operate or permit to be operated, any other train not specifically referred to herinbefore, without a crew of competent employees, which crew shall consist of not less than one engineer, one fireman, one conductor, one flagman, and one brakeman.

SWITCHING CREWS—MEMBERS—SUDDEN DISABILITY OF MEMBERS

Sec. 5. It shall be unlawful for any carrier to use, operate or permit any locomotive to be used or operated in any railroad yard, or on any railroad track, to handle or switch cars, or to transfer cars from one railroad to another, or from one railroad yard to another railroad yard, unless each and every locomotive, while handling or switching cars shall be manned by a crew of competent employees, which crew shall consist of not less than one engineer, one fireman, one yard conductor or foreman, and two yard brakemen or helpers. No such employee shall be detailed to more than one locomotive at the same time, or be assigned to any other service unless his place is filled by another competent employee, or the locomotive laid up during the period such employees are otherwise used, except that in case of sudden disability of a member of such crew through sickness, accident or death, the carrier shall have three hours to replace such member, during which time such locomotive may be operated by a less number of employees than is provided herein.

LOCOMOTIVE OR LOCOMOTIVES TO BE OPERATED ON MAIN TRACK—CREWS—MEMBERS

Sec. 6. It shall be unlawful for any carrier to operate or permit to be operated, on its main track, any single locomotive, unless such locomotive is manned by a crew of competent

employees, which crew shall consist of not less than one engineer, one fireman, one conductor or flagman.

UNLAWFUL TO OPERATE ANY SELF-PROPELLED ENGINE OR MACHINE ON MAIN TRACK NOT USED FOR TRANSPORTATION OF PASSENGERS — WHEN

Sec. 7. It shall be unlawful for any carrier to operate as a locomotive or permit to be operated as a locomotive, on its main track, in the State of Kentucky, any self-propelled crane, pile-driver, weed-burner, or other self-propelled engine or machine not used for the transportation of passengers and/or freight or property for hire, which has sufficient power to draw or propel itself and one or more standard railroad cars, unless such engine or machine shall be manned by a crew of competent employees consisting of not less than one engineer, one conductor, or flagman.

DISABILITY OF MEMBER OF CREW BETWEEN TERMINAL RIGHTS OF CARRIER—ACT NOT APPLICABLE TO RELIEF OR WRECKING TRAINS

Sec. 8. In the case of disability of a member of a crew between terminals, the carrier shall have the right to operate the locomotive or train with a less number of employees than is provided therein until such locomotive or train arrives at the next terminal, or other intermediate place on the road, where employees of the same class as the disabled employee are available, when such carrier shall fill the vacancy on such crew. This act shall not apply to relief or wrecking trains where sufficient employees are not available.

STATE RAILROAD COMMISSION—DUTIES

Sec. 9. It shall be the duty of the Railroad Commission of Kentucky to enforce the provisions of this act.

VIOLATION OF ACT—PENALTY—ATTORNEY-GENERAL—DUTIES

Sec. 10. Any carrier operating in the State of Kentucky, who shall willfully violate any of the provisions of this

act, shall be liable to the State of Kentucky for a penalty of not less than one hundred dollars, nor more than five hundred dollars, for each offense, and such penalty shall be recovered, and suits therefor brought by the attorney-general or under his direction, in the name of the State of Kentucky, on relation of the Railroad Commission of Kentucky, in the circuit or superior court of any county through which such railroad may be run or operated.

VALIDITY OF ACT

Sec. 11. If any section, sub-section, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The general assembly declares that it would have passed this act, and each section, sub-section, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

REPEAL SECTION

Sec. 12. In so far as any other law or part of a law is in conflict with any of the provisions of this act, such law or part of a law is hereby repealed, but no law and no part of any law which is not in conflict with any of the provision of this shall be repealed hereby.

By Mr. Ward.

H. B. No. 407. An Act relating to mines and mining, with particular relation to eye-sight qualifications of certain persons performing functions in or around mines.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No state employe or employe of an insurance company shall be permitted to perform any function of his em-

ployment in or around any mine, who does not have a certificate from an eye specialist stating that the holder of such certificate has normal eye-sight and vision,

(2) No certificate shall be granted to any person who does not present to the eye specialist satisfactory evidence, by submitting to a physical examination, that the applicant has normal eye-sight and vision.

(3) Any eye specialist who knowingly issues a certificate to any person with defective eye-sight or abnormal vision shall be punished by a fine of not less than fifty nor more than five hundred dollars.

By Mr. Adams.

H. B. No. 408. An Act relating to city utility commissions for the operation, management and control of water-works plants or systems acquired, constructed or owned by cities of the third class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any city of the third class that now owns or hereafter acquires, constructs or owns a waterworks plant or system (other than one combined with an electric system which is operated under KRS 96.171 to 96.188) shall, by ordinance, appoint a city utility commission consisting of three commissioners, to operate, manage and control the plant or system. The commission shall be appointed, constituted and compensated, have the same powers and duties, and be subject to the same restrictions and provisions, as provided in KRS 96.530 for a utility commission for a city electric light, heat and power plant.

§ 2. Any utility commission appointed by any city of the third class prior to the effective date of this Act, for the operation, management and control of the city water-works plant or system, is hereby validated from the date of such ap-

pointment. If such commission meets the requirements prescribed in Section 1 of this Act, it shall be deemed to have been appointed under this Act and shall continue in existence the same as one appointed under this Act. Otherwise such commission shall be terminated and a new commission established under this Act, or, if practicable, the organization and structure of the commission shall be changed by ordinance so as to comply with this Act.

§ 3. Any city of the third class may, by ordinance, declare its utility commission, created or existing in accordance with this Act, to be a body politic and corporate with the authority and power to contract and be contracted with, and sue and be sued, in and by its corporate name, which name shall be the "Utility [or Waterworks] Commission of the City of....., Kentucky."

Ordered that said bills be printed and referred.

The Speaker announced that he had referred bills heretofore introduced or reported as follows, viz.:

Senate Bill No. 49—To the Committee on Kentucky Statutes No. 2.

Senate Bill No. 50—To the Committee on Kentucky Statutes No. 2.

Senate Bill No. 51—To the Committee on Kentucky Statutes No. 2.

House Bill No. 402—To the Committee on Labor.

REPORT OF COMMITTEES

The Committees to which same had been referred, reported bills and resolutions of the following titles, viz.:

By Mr. Calvert of the Committee on Agriculture No. 1.

H. B. No. 299. An Act relating to bees and apiaries; regulating the propagation and keeping of bees; providing

for the suppression of contagious diseases among bees; providing for the registration and regulation of apiaries; and repealing Sections 252.010 to 252.990 of the Kentucky Revised Statutes.

By Mr. Runyan of the Committee on Education No. 2.

H. B. No. 366. An Act relating to the examination papers of students in State institutions of higher learning.

With the expression of opinion that same should not pass.

By Dr. Salyer of the Committee on Banks and Banking.

S. B. No. 78. An Act relating to banks and trust companies.

With the expression of opinion that same should not pass.

By Mr. Jonas of the Committee on Labor.

H. B. No. 402. An Act pertaining to child labor and employment and regulation of employment of infants.

H. B. No. 383. An Act to repeal, amend, and re-enact Section 277.170, Kentucky Revised Statutes, with respect to warning the traveling public of the approach of trains to public highway crossings in Kentucky on any railroad track.

By Mr. Hanratty of the Committee on Claims.

H. Res. No. 36. A Joint Resolution providing for the payment to the Bank of Cumberland of certain witness claims allowed by the Cumberland Circuit Court.

H. Res. No. 32. A Resolution appropriating from the General Fund of the Commonwealth of Kentucky the sum of $274.35 to pay Elmine Watts, Sheriff Knott County, for claims due him for services rendered in the performance of

his duties for the Commonwealth in returning fugitives from justice from the States of Ohio and Indiana to Hindman, Ky.

By Mr. Clyde S. Howard of the Committee on Suffrage and Elections.

H. B. No. 329. An Act relating to elections; requiring the county clerks to furnish lists of candidates and election results to the Secretary of State in connection with primary and general elections for members of the General Assembly, and providing a penalty.

With the expression of opinion that same should pass.

Said bills were each and severally read at length for the first time, with the exception of those specifically set out above, and

Ordered placed on the Calendar.

Mr. Preston moved that the rules be suspended and the privilege of the floor extended to Messrs. Mitchell Davis and James Davis.

Said motion was unanimously agreed to.

Mr. Williamson moved that the rules be suspended and the privilege of the floor extended to Miss Nancy Adams.

Said motion was unanimously agreed to.

The Enrolling Clerk of this House delivered the original and enrolled copies of a bill of the following title, viz.:

H. B. No. 2. An Act to amend Section 117.155 of the Kentucky Revised Statutes, relating to registration of voters.

Which had been signed by the Speaker on yesterday,

Duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that said bill be delivered to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz.:

S. B. No. 195. An Act relating to the payment of state checks, clearance of outdated state checks from the treasurer's records and providing for the payment of outdated checks.

S. B. No. 36. An Act relating to the practice of accounting, with particular reference to the certification or registration of public accountants.

H. B. No. 360. An Act relating to the regulation and licensing of trailers used as a house, office, store, display or utility unit.

H. B. No. 84. An Act to amend Section 63.080 of the Kentucky Revised Statutes, relating to the power of the Governor to remove officers appointed by him.

H. B. No. 361. An Act relating to taxation of motor fuels other than gasoline and prescribing the purposes for which such tax may be expended, and amending KRS 138.360 and KRS 138.390.

H. B. No. 371. An Act to repeal, and reenact Section 342.030 Kentucky Revised Statutes 1946, relating to the fees of alcoholic beverages licenses.

H. B. No. 362. An Act to repeal, amend and reenact Section 138.500 of the Kentucky Revised Statutes relating to revenue and taxation.

H. B. No. 363. An Act to repeal and re-enact Section 342.720 Kentucky Revised Statutes 1946, relating to revenue and taxation.

H. B. No. 358. An Act relating to revenue and taxation.

H. B. No. 357. An Act relating to revenue and taxation.

H. B. No. 354. An Act relating to revenue and taxation.

H. B. No. 359. An Act providing for the photographing, photostating, microphotographing, microfilming or filming of records and papers of the Governor, Lieutenant Governor or any state administrative department, agency, commission or institution or the principal officer thereof and authorizing the use of such reproductions for record and copies thereof as evidence.

H. B. No. 115. An Act to repeal KRS 179.080, 179.090, 179.100, 179.120 and 179.130, and sub-sections (2), (3) and (4) of KRS 179.990, relating to the working of county roads.

H. B. No. 51. An Act relating to educational assistance for persons whose fathers died while members of the Armed Forces of the United States during World War II.

With Committee amendment thereto by way of substitute therefor.

S. B. No. 85. An Act amending Subsection (3) of Section 90.320 of the Kentucky Revised Statutes, relating to civil service in cities of the second class.

H. Res. No. 10. A Joint Resolution authorizing James A. Newman to sue the Commonwealth of Kentucky.

With Committee amendment thereto.

H. Res. No. 11. A Joint Resolution authorizing C. Bruce Daniel to sue the Commonwealth.

H. Res. No. 15. Resolution authorizing Coet Shepherd by his statutory guardian or next friend to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky, or either.

With Committee amendments thereto.

S. Res. No. 19. A Joint Resolution authorizing W. B. Tatum to file suit against the Commonwealth of Kentucky, the Department of Highways and the Highway Patrol, or any one or more of them.

With Committee amendment thereto.

H. Res. No. 41. A Joint Resolution authorizing and directing the payment of the claims of Barkley Graham, Sheriff of McCracken County, for fees allowed at the January and April terms, 1947, of the McCracken Circuit Court.

H. B. No. 91. An Act relating to crime and punishment with particular reference to cattle stealing.

With Committee amendment thereto by way of substitute therefor.

H. B. No. 225. An Act making the stealing of licensed dogs a felony and fixing the punishment therefor.

S. B. No. 98. An Act relating to state aid for acquisition and operation of district tuberculosis sanitoria.

H. B. No. 310. An Act relating to the appointment, members and terms of city recreational commissions.

H. B. No. 125. An Act relating to Banks and Trust Companies and combined Banks and Trust Companies, creating a new section known as KRS Section 287.125 and repealing, amending and reenacting KRS Section 287.230.

H. B. No. 356. An Act providing for the investment of funds of the Teachers' Retirement System and amending KRS 161.430.

H. B. No. 322. An Act relative to annexation of County School Districts, Subdistrict, Subdistricts or parts thereof,

and repealing, amending and reenacting Section 160.050 of Kentucky Revised Statutes, 1946 Edition.

H. B. No. 321. An Act creating a Sinking Fund Commission to invest certain funds of the Commonwealth, and defining its powers and duties.

H. B. No. 343. An Act to repeal, amend and reenact Section 276.500 Kentucky Revised Statutes with respect to limitations of prosecutions and actions by and against common carriers by rail or by water.

S. B. No. 127. An Act relating to civil suits brought against the Commonwealth of Kentucky pursuant to resolutions of the General Assembly, whereby comments apprizing the jury of the existence of the resolution are forbidden and penalized.

S. Res. No. 31. Joint Resolution authorizing the removal of an unrealized account carried on the account records of the Department of Finance and the Department of the Treasury.

S. B. No. 91. An Act relating to the compensation of stenographers of county judges.

H. B. No. 148. An Act relating to revenue and taxation.

With Committee amendment thereto by way of substitute therefor.

H. B. No. 247. An Act providing for the appointment of defense counsel for indigent person charged with the commission of a felony; compensation.

H. B. No. 114. An Act relating to the furnishing of records books for county courts, quarterly courts, county court clerks and circuit court clerks.

H. B. No. 112. An Act to amend KRS 203.250 by repealing paragraph 1 as to $75.00 allowance and re-enact it to a

maximum of $200 payable one half by the Commonwealth of Ky. and one half by the Fiscal Court.

H. B. No. 113. An Act relating to the fees of county jailers, amending KRS 64.150 so as to require the State to pay the fees for keeping and dieting prisoners except in certain instances.

H. B. No. 345. An Act relating to the development of public libraries in Kentucky to appropriating money therefor.

H. B. No. 234. An Act to repeal, amend and re-enact Section 183.390, Kentucky Revised Statutes, by giving authority to the city or county, or city and county, to establish, construct, maintain, manage, operate and control an airport.

H. B. No. 77. An Act relating to conspiracy; banding together for unlawful purpose; repealing Sections 435.250, 437.110, 437.120, 437.130 and 437.140 of the Kentucky Revised Statutes.

With Committee amendment thereto by way of substitute therefor.

H. B. No. 105. An Act relating to old age assistance.

With Committee amendment thereto.

H. B. No. 290. An Act relating to the parole of inmates of penal institutions and repeal of Section 439.105 and Section 439.106 of the Kentucky Revised Statutes.

With Committee amendments thereto.

S. Res. No. 5. A Concurrent Resolution providing for payment of the per diem of the late J. T. Linton.

S. B. No. 132. An Act relating to cities, with particular relation to the powers of the legislative bodies of cities of the second, third and fourth classes.

S. B. No. 53. An Act relating to disability compensation and medical benefits for policemen and firemen in cities of the third and fourth classes.

H. B. No. 222. An Act relating to transportation of school children.

With Committee amendment thereto.

H. B. No. 325. An Act relating to school districts.

H. B. No. 316. An Act relating to sick leave for teachers in the common schools.

With Committee amendment thereto by way of substitute therefor.

H. B. No. 324. An Act amending the Teachers' Retirement Law.

H. B. No. 377. An Act concerning armories.

H. B. No. 319. An Act to repeal Section 28.450 of the Kentucky Revised Statutes and to enact in lieu thereof new provisions relating to compensation of Reporters for Circuit Courts of continuous session in counties having a population of less than 150,000.

H. B. No. 193. An Act relating to notaries public, examiners or other officers authorized to take depositions, with particular reference to the fees of such officers and the rights of such officers in taking depositions or statements under oath.

H. B. No. 384. An Act relating to stenographers for County Judges; amending KRS 25.290.

H. B. No. 388. An Act to repeal Subsection 4, Kentucky Revised Statutes, 387.160, 1942 Edition, relating to execution of a bond by the guardian to the ward in the circuit court before approval of an oil and gas lease.

S. B. No. 81. An Act to repeal, amend and re-enact Section 342.285, 343.290 and 342.295 of Kentucky Revised Statutes relating to appeals in Workmen's Compensation cases and providing an emergency clause.

S. B. No. 230. An Act repealing and re-enacting Section 89.560, Kentucky Revised Statutes, relating to city managers in cities of the second, third and fourth classes.

S. B. No. 80. An Act to repeal Section 342.121, to repeal, amend and re-enact Section 342.185; to repeal, amend and re-enact Section 342.315; to repeal, amend and re-enact Section 342.316; all being sections of the Kentucky Revised Statutes relating to Workmen's Compensation; and providing for an emergency clause.

With a Committee amendment to the title of said bill.

H. B. No. 255. An Act relating to the State Fair Board.

With Committee amendment thereto by way of substitute therefor.

Ordered that said bills and said resolutions be read at length the second time.

Mr. John C. Watts moved that the Constitutional provision as to the second reading at length of said bills and said resolutions be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and said resolutions having been dispensed with, said bills and said resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 88. An Act relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

With Committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 118.040 of the Kentucky Revised Statutes is amended to read as follows:

The polls shall be opened at 8 a. m. and kept open continuously until 6 p. m. of the same day. Before receiving any ballots, the officers of election shall cause to be proclaimed that the election is opened.

§ 2. Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in August of each year between the hours of 8 a. m. and 6 p. m., at the regular polling places in each election precinct.

§ 3. Subsection (1) of Section 118.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the hour of 6 p. m. arrives the election officers shall announce the fact at the door of the voting room and close the polls. They shall take charge of the ballot box, and in the presence of each other shall place the lock on the small vent in the lid and securely lock it. The election officers shall then place upon all unused stubs and ballots, with rubber stamp or by writing, the word, "Unused," and place them,

with the stub book and all other utensils or election material, into the linen envelope provided by the county clerk for the purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon the wax, so as to make the letters plainly visible in three different places on the envelope. The sheriff of election and the judge of opposite faith shall forthwith convey the ballot box, the key to the vent lock, and the envelope to the county clerk, taking his receipt therefor. The sheriff and judge shall see that no person other than themselves has access to, or custody of, the ballot box, and they shall each remain in the presence of the other until the box, key and envelope are delivered to the county clerk.

§ 4. Subsection (3) of Section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

(3) The county board of election commissioners shall meet for the purpose of counting the ballots, issuing certificates and making a report, at 7 p. m. on the day of the election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in the county. At the finish of each precinct the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the stub book provided for that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day, and if the count is not then completed it may then adjourn until the following day at 8 a. m., unless the following day is a Sunday, in which case it shall adjourn until 8 a. m. on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a. m. on the day following the legal holiday. On the adjourned day the board shall remain in session, if necessary to complete the count, until 6 p. m., or longer in its discretion. If the count is not then completed, the board shall reconvene during the same hours on each succeeding day, except Sundays and on such legal holidays as the board decides not to meet, until the count is completed.

Said Committee amendments to said bill are as follows, viz.:

Committee Amendment No. 1. Amend printed copy of H. B. No. 88, on page 1, section 1, line 4, by striking out the figure "6" and inserting in lieu thereof the figure "5"

Committee Amendment No. 2. Amend printed copy of H. B. No. 88, on page 1, section 2, line 5, by striking out the figure "8" and inserting in lieu thereof the figure "6"

Committee Amendment No. 3. Amend printed copy of H. B. No. 88, on page 1, section 2, line 5, by striking out the figure "6" and inserting in lieu thereof the figure "5"

Committee Amendment No. 4. Amend printed copy of H. B. No. 88, on page 2, subsection 1, Section 3, line 3, by striking out the figure "6" and inserting in lieu thereof the figure "5"

Committee Amendment No. 5. Amend printed copy of H. B. No. 88, on page 2, subsection 3, Section 4, line 5, by striking out the figure "7" and inserting in lieu thereof the figure "6"

Committee Amendment No. 6. Amend printed copy of H. B. No. 88, on page 1, Section 1, line 3, by striking out the figure "8" and inserting in lieu thereof the figure "6"

Said Committee amendments to said bill were each and severally agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution was follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Kerby Jennings	Lilburn S. Rogers
Earl F. Ashcraft	Paul S. Jonas	Amos Runyan
Levi Baker	J. Ernest Jones	D. B. Saylor
Fred Beshear	Ercel Kozee	LeRoy Saylor
Chas. W. Burnley	Harry K. Lowman	James J. Shannon
A. H. Calvert	Ed Marcum	Paul E. Shannon
Earl W. Christian	F. G. Marquette	Jesse H. Shelton
George I. Cline	E. H. Martin	Harry Smith
Everett T. Cooper	Davis Moore	John M. Spaulding
G. I. Drury	Walter Moorman	G. W. Steinford
Otto W. Goff	Fred H. Morgan	John M. Stumbo
Henry C. Hale	E. C. Mullins	Albert Thomason
N. M. Hamilton	Stanley Murphy	G. C. Thornton
James P. Hanratty	T. A. Noe, Jr.	W. R. Tipton
Carson Hibbitts	Joe E. Nunn	Wilford S. Travis
E. R. Hilton	H. M. Pewitt	John C. Watts
Clyde S. Howard	L. W. Preston	Morris Weintraub
M. G. Howard	Hobart Rayburn	G. F. Williamson
R. N. Hubbard	Ottis Roberts	Charles W. Wirsch
Ira W. Hulette		—58

Those who voted in the negative were—

Bernam Adams	Kermit Dwyer	E. F. Prichard
Sidney Baer	Dennis Henderson	F. L. Robinson
C. E. Baumgardner	C. J. Holsclaw	Glenn Rushing
Isaac M. Blevins	L. H. Jones	Mrs. Rutherford
Chas. J. Bronston	C. D. Moberly	Chas. L. Spillman
Mrs. Mary Burnett	H. S. Overby	J. B. Veech
Perry M. Cross	H. C. Patterson	Lynn Boyd Wells
Horace T. Cull	J. H. Poslgrove	Rodney Whitlow
		—24

Resolved that the title thereof be as aforesaid.

Mr. Clyde S. Howard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 297. An Act relating to taxes upon production of crude petroleum; state and county; amending KRS 137.120.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 137.120 of the Kentucky Revised Statutes is amended so as to read as follows:

"(1) Every producer of crude petroleum oil shall pay a tax for state purposes equal to one-half of one per cent of the market value of all crude petroleum produced by him in this state.

(2) A producer of crude petroleum oil shall include any person owning an interest in crude petroleum oil produced in this state.

(3) Any county may impose a tax for road, county or school purposes of not more than one per cent of the market value of all crude petroleum produced in the county. The fiscal court may levy this tax for county purposes, and shall determine what funds shall receive the tax when collected. When crude petroleum is produced in any separate taxing district in a county, the fiscal court shall equitably distribute such taxes between the county and the taxing district.

(4) The taxes provided for by this section shall be imposed and attached when the crude petroleum is first trans-

ported from the tanks or other receptacle located at the place of production, and shall be imposed ratably upon all persons owning any interest in such oil."

Section 2. Whereas, doubt, confusion and uncertainty now exist as to what persons are required to pay the production tax on crude petroleum oil as levied by the existing law, with the result that the revenues of the state and of the various counties are impaired and made uncertain, an emergency is declared to exist, and this Act shall take effect upon its passage and the approval of the Governor.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	George I. Cline	Dennis Henderson
Jason Alford	Everett T. Cooper	Carson Hibbitts
Sidney Baer	Horace T. Cull	E. R. Hilton
Levi Baker	G. I. Drury	C. J. Holsclaw
Bernhard Bauer	Kermit Dwyer	Clyde S. Howard
C. E. Baumgardner	Otto W. Goff	D. W. Howard
Fred Beshear	Henry C. Hale	M. G. Howard
A. H. Calvert	N. M. Hamilton	Ira W. Hulette

Kerby Jennings	Joe E. Nunn	Jesse H. Shelton
Paul S. Jonas	H. S. Overby	Harry Smith
J. Ernest Jones	J. H. Polsgrove	John M. Spaulding
L. H. Jones	L. W. Preston	Chas. L. Spillman
Ercel Kozee	E. F. Prichard	G. W. Steinford
Harry K. Lowman	Hobart Rayburn	John M. Stumbo
Ed Marcum	Ottis Roberts	Albert Thomason
F. G. Marquette	F. L. Robinson	G. C. Thornton
E. H. Martin	Lilburn S. Rogers	W. R. Tipton
Davis Moore	Amos Runyan	Wilford S. Travis
Walter Moorman	Glenn Rushing	John C. Watts
Fred H. Morgan	Mrs. Rutherford	Lynn Boyd Wells
E. C. Mullins	D. B. Saylor	Rodney Whitlow
Stanley Murphy	James J. Shannon	G. F. Williamson
T. A. Noe, Jr.	Paul E. Shannon	Charles W. Wirsch

—69

Those who voted in the negative were—

Earl F. Ashcraft	W. E. McClure	C. D. Moberly
Isaam M. Blevins		

—4

Resolved that the title thereof be as aforesaid.

Mr. Drury moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 285. An Act relating to soil and water resources, defining additional powers and duties of the Soil and Water Resources Commission and the Division of Soil and Water Resources; providing that certain heavy or specialized machinery or equipment shall be made available to Soil Conservation Districts, and setting forth the terms and conditions of same, making an appropriation therefor, and repealing all laws or parts of laws in conflict therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Soil and Water Resources Commission, as referred to in Chapter 146 KRS, subject to the supervision of the Commissioner of Conservation, to the restrictions herein provided, and to the requirements of Chapter 42 and 45 of KRS, is hereby authorized to acquire and to make available, or to assist in acquiring or making available to Soil Conservation Districts, heavy or specialized machinery or equipment which an individual district cannot itself economically obtain.

When the Commission acquires or makes available to any district the machinery or equipment above referred to, it shall require said district to fully amortize, in the form of rentals, to the Division of Soil and Water Resources, as referred to in Chapter 146 KRS, any amount so expended by the Commission for such assistance. The amount and method of amortization for each piece of heavy or specialized machinery or equipment shall be determined by the Commission, subject to approval of the Commissioner of Conservation, on the basis of a rental to be charged by the District to the user of such machinery or equipment sufficient (a) to fully amortize to the Division the capital outlay for the machinery itself over the period of its reasonably anticipated full usefulness; (b) to cover the operation, maintenance and repairs; (c) to pay the usual cost of providing an operator; (d) to compensate the District for the usual costs of transportation from one job to another.

In giving effect to all of the foregoing, the Commission shall estimate the amount of time such equipment would ordinarily be idle.

(A) The Division of Soil and Water Resources shall retain title to each piece of heavy or specialized machinery or equipment so purchased and made available to any Soil Conservation District until such time as the Soil Conservation Districts fully amortize the Commission's investment in such machinery or equipment. After the Commission's investment in such machinery or equipment has been fully amortized, it is authorized and empowered to transfer the title thereto to the District.

(B) Each Soil Conservation District which receives or uses the machinery or equipment herein referred to, shall maintain its public records to show for each piece of machinery or equipment: (a) the hours same has worked on each job in each district; (b) the amounts collected from each job in each District; (c) the expense of repairing, moving, manning and other usual costs of operation, and (d) the amount paid by each district for the purpose of amortizing the Commission's investment in such machinery or equipment. Each of such Soil Conservation Districts shall send a duplicate copy of such records to the Commission, who shall retain same in its files for public inspection. In addition thereto, the Commission shall at all times maintain an account showing each piece of machinery or equipment, the title to which is vested in it, the amount paid thereon by any Soil Conservation District, and the amount remaining to be amortized.

(C) The amount paid by any such district to the Division for amortization purposes shall be made monthly when the machinery is in use. This amount shall be credited to a revolving fund and the costs of any new machinery or equipment shall be charged to the same account. Neither the appropriation herein made nor the revolving fund shall be used for any purpose other than to make available to Soil Conservation Districts the machinery or equipment of the type above referred to.

(D) Any two or more Soil Conservation Districts may combine with each other for the purpose of obtaining and using the specialized machinery or equipment herein referred to, upon the terms and conditions herein set forth.

(E) The Commission, with the approval of the Commissioner of Conservation, is hereby authorized to promulgate such other rules and regulations or methods of accounting as may be necessary or expedient to give effect to the purposes herein expressed.

(F) There is hereby appropriated to the Division of Soil and Water Resources of the Department of Conservation, the sum of two hundred thousand dollars ($200,000.00) for the fiscal year beginning July 1, 1948, and ending June 30, 1949,

and the sum of two hundred thousand dollars ($200,000.00) for the fiscal year beginning July 1, 1949, and ending June 30, 1950.

Such sums are appropriated from any unexpended balance in the General Expenditure Fund as of June 30, 1948, and shall be considered as capital outlay. Any unexpended or unencumbered balance remaining at the end of the fiscal year of 1948-49 shall not lapse to the General Expenditure Fund, but may be encumbered and expended in the fiscal year of 1949-50.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Mrs. Mary Burnett	Otto W. Goff
Jason Alford	Chas. W. Burnley	Henry C. Hale
Earl F. Ashcraft	A. H. Calvert	N. M. Hamilton
Sidney Baer	Earl W. Christian	Carson Hibbitts
Levi Baker	George I. Cline	E. R. Hilton
Bernhard Bauer	Everett T. Cooper	C. J. Holsclaw
C. E. Baumgardner	Perry M. Cross	Clyde S. Howard
Fred Beshear	Horace T. Cull	M. G. Howard
Isaac M. Blevins	G. I. Drury	R. N. Hubbard
Chas. J. Bronston	Kermit Dwyer	Ira W. Hulette

Paul S. Jonas	J. H. Polsgrove	John M. Spaulding
J. Ernest Jones	L. W. Preston	Chas. L. Spillman
L. H. Jones	E. F. Prichard	G. W. Steinford
Ercel Kozee	Hobart Rayburn	John M. Stumbo
W. E. McClure	Ottis Roberts	Albert Thomason
F. G. Marquette	F. L. Robinson	G. C. Thornton
C. D. Moberly	Lilburn S. Rogers	W. R. Tipton
Davis Moore	Amos Runyan	Wilford S. Travis
Walter Moorman	Glenn Rushing	J. B. Veech
Fred H. Morgan	Mrs. Rutherford	John C. Watts
E. C. Mullins	Dr. K. N. Salyer	Lawrence Watts
Stanley Murphy	D. B. Saylor	Morris Weintraub
T. A. Noe, Jr.	LeRoy Saylor	Lynn Boyd Wells
Joe E. Nunn	James J. Shannon	Rodney Whitlow
H. S. Overby	Paul E. Shannon	G. F. Williamson
H. C. Patterson	Jesse H. Shelton	Charles W. Wirsch
H. M. Pewitt	Harry Smith	—80

Resolved that the title thereof be as aforesaid.

Mr. Beshear moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Jonas moved that the rules be suspended for the purpose of making a motion.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Jonas moved that a bill of the following title, viz.:

S. B. No. 78.. An Act relating to Banks and Banking.

Which was reported by the Committee on Banks and Banking on today with the expression of opinion that said bill should not pass,

Be recommitted.

Without objection, said motion was agreed to and said bill was recommitted.

To the Committee on Banks and Banking.

Mr. Prichard moved that the rules be suspended for the purpose of makng a Report of Committees.

Said motion was agreed to by a majority of the members elected.

Thereupon, the Committees to which same had been referred, reported bills of the following titles, viz.:

By Mr. Christian of the Committee on Insurance, Life and Casualty.

H. B. No. 400. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance written by fire, marine and fire and located in this state, including inland marine insurance.

H. B. No. 401. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance written by casualty insurance and surety companies on risks or operations in this state.

By Mr. Bauer of the Committee on Cities of the Fourth Class.

H. B. No. 374. An Act relating to the establishment of flood control systems in cities of the fourth class, providing the manner in which such systems may be established and financed.

By Mr. Prichard of the Committee on Alcohol Control No. 1.

H. B. No. 226. An Act relating to alcoholic beverage control, with particular relation to qualifications for license.

With Committee amendment thereto by way of substitute therefor.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in the Senate of the following title, viz.:

S. B. No. 157. An Act relating to persons who are, or who are alleged or believed to be, mentally incompetent, including provisions as to observation, treatment, hospitalization, inquests, care, custody, and examination.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 202.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the certificate of the examiners mentioned in KRS 202.110 states in substance that in the opinion of such examiners the mental condition of the person is so abnormal that the safety of the person or of the public requires that he be committed for a period of care and further medical examination and observation of his mental condition, the court may order such person to a state hospital for the insane, or to a city or county hospital in the county having a psychopathic ward or facilities suitable, in the court's opinion, for the care and medical examination and observation of mental diseases, or, upon receipt of a certificate in writing from the United States Veterans Administration or other agency of the United

States Government that facilities are available and that such person is eligible for care or treatment therein, to the said United States Veterans Administration or other agency of the United States Government, for a period of care and further medical examination and observation of the mental condition of such person not to exceed thirty-five days. Except when a person ordered to a mental hospital or federal agency has been found to be sane as provided in subsection (2) of this section, the court may not modify, withdraw, revoke or annul the order placing the individual in a mental hospital or federal agency until the expiration of the thirty-five day period.

(2) Within thirty days after such an order is made, if the superintendent of the institution, or the responsible medical officer of the United States Veterans Administration or other federal agency to which the person has been ordered, finds that the person is sane, he shall so certify to the judge who made the order, and after the certificate has been delivered to the judge, may return the person to the county in which is located the court by which the order was made. Upon receipt of the certificate, the judge shall order the discharge of the person, and the clerk shall mail an attested copy of the order to the superintendent or medical officer from whom the certificate was received.

(3) Within thirty days after admission by court order as provided for in subsection (1) of this section, if the superintendent, and the clinical director, or a staff physician acting in the latter capacity, of the hospital to which the patient has been ordered, or in the case of the United States Veterans Administration or other federal agency, the responsible medical officer and a staff physician of the Administration or other agency, find that the person is insane (psychotic), they shall so certify to the court by which the order was made. Thereupon an inquest shall be held in accordance with the provisions of this Chapter, and the court, instead of appointing examiners as provided for under KRS 202.100, shall admit as evidence the certificate above referred to in this subsection.

§ 2. Section 203.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person may apply to the superintendent of any state mental hospital for admission as a patient. The application shall be signed by the applicant in the presence of two witnesses. If the superintendent finds, upon examination, that the applicant is in need of hospital treatment, and that he will be benefited thereby, and that he is competent to make such application, the superintendent may receive and care for the applicant in the hospital.

(2) Such patient shall not be detained against his will for more than ten days from the date that he notifies the superintendent in writing of his desire to leave the hospital, except as hereinafter provided in this section. If the superintendent, and clinical director or a staff physician acting in the latter capacity, believe that the patient is dangerous to himself or to society or would be benefited by further care and treatment in the hospital, they, or either of them, may within the same ten days file a petition in the proper court for an inquest concerning the sanity of the patient as provided in KRS Chapter 202; however, the court, instead of appointing examiners as provided in KRS 202.100 and 202.110, shall admit as evidence the affidavit of the superintendent, and clinical director or a staff physician acting in the latter capacity, of the hospital in which the patient has been confined, that the defendant is insane (psychotic). If such a petition is filed, the superintendent of the hospital may continue to hold the patient, even beyond the expiration of the ten-day period referred to in this section, until officially notified by the court that the inquest has been held and the person has been found to be not insane (not psychotic).

§ 3. Section 203.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent of any state mental hospital, except those designated for the care of the criminal insane, shall, when requested by a health officer, receive and care for any person who needs immediate care and treatment because of mental derangement other than drug addition or drunkenness. Such patient shall be received for a period not exceeding ten days from and inclusive of the date of request. The

request for admission shall be based on a personal examination made within three days of the date of the request, and shall be filed at the institution at the time of the patient's reception.

(2) If the superintendent finds that the patient is not suitable for such care, the patient shall, upon the formal written request of the superintendent, be removed within ten days from the date of his reception by the health officer who requested his admission. Failure of the health officer to remove such a patient upon the formal written request of the superintendent, within the time limit set by this section, shall render the health officer and the county from which the patient is sent jointly liable for payment for the care and custody of the patient for such time as he may be left in the hospital beyond the time limit prescribed in this section, at the same rate required by the Department of Welfare for nonindigent patients in the mental hospitals.

(3) If the superintendent, and clinical director or a staff physician acting in the latter capacity, find a patient to be a suitable person for care and treatment, they, or either of them, shall file a petition in the proper court for an inquest concerning the sanity of the patient as provided in KRS Chapter 2002; however, the court instead of appointing physicians to make the examination as provided in KRS 202.100 and 202.-110, shall admit as evidence the affidavit of the superintendent, and clinical director or a staff physician acting in the latter capacity, of the institution in which the patient has been confined, that the defendant is insane (psychotic).

Ordered that said bill be printed and referred.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled a bill of the following title, viz.:

H. B. No. 199. An Act creating an Agricultural and Industrial Development Board; prescribing the powers and

duties of said Board and making an appropriation for the operation thereof.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 171. An Act amending Section 402.080 of the Kentucky Revised Statutes, relating to marriage licenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 402.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) No marriage shall be solemnized without a license therefor. The license shall be issued by the clerk of the county in which the female resides at the time, unless the female is of full age or a widow, and the license is issued on her application in person or by writing signed by her, in which case it may be issued by any county clerk.

(2) No county clerk shall issue a marriage license until the application for a marriage license remains on file, open to the public, in the office of the county court clerk, for three days before license is issued.

Mr. McClure offered the following amendment to said bill, viz.:

Amendment No. 1. Amend printed copy of House Bill No. 171 by adding below line 10, the following:

(3) Upon good cause the county judge shall have the power to suspend the three-day period provided for in subsection (2), and to authorize the county clerk to issue a marriage license regardless of said waiting period. The provisions of subsection (2) shall not apply where documentary evidence is furnished to the county clerk that both of the contracting parties are over the age of twenty-one years.

(4) No county clerk shall issue a marriage license nor shall any county judge waive the provisions of subsection (3) when it appears that the applicants or either of them are at the time under the influence of alcoholic beverages or mentally incompetent. This Act shall become effective on January 1, 1950.

Mr. Burnley offered the following amendment to said Amendment No. 1 to said bill, viz.:

Amend printed copy of H. B. No. 171, on page 1, subsection 2, line 11, by adding subsequent to line ten the following:

"An emergency is hereby declared to exist for the purpose of protecting the public welfare and interest. Therefore, this Act shall become effective immediately upon its passage an dupon its being approved by the Governor".

Said amendment to Amendment No. 1 to said bill was disagreed to.

Said Amendment No. 1 to said bill was disagreed to.

The yeas and nays being required thereon by Mrs. Burnett and Mr. Preston were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. J. Bronston	Otto W. Goff
Jason Alford	Mrs. Mary Burnett	Carson Hibbitts
Bernhardt Bauer	A. H. Calvert	Clyde S. Howard
C. E. Baumgardner	George I. Cline	M. G. Howard
Isaac M. Blevins	Everett T. Cooper	Paul S. Jonas

J. Ernest Jones	J. H. Polsgrove	Chas. L. Spillman
Ercel Kozee	E. F. Prichard	John M. Stumbo
W. E. McClure	F. L. Robinson	W. R. Tipton
E. H. Martin	Lilburn S. Rogers	J. B. Veech
C. D. Moberly	D. B. Saylor	John C. Watts
Davis Moore	Paul E. Shannon	Morris Weintraub
Fred H. Morgan	Harry Smith	Charles W. Wirsch
T. A. Noe, Jr.		

—37

Those who voted in the negative were—

Roy W. Arnold	D. W. Howard	Amos Runyan
Earl F. Ashcraft	R. N. Hubbard	Glenn Rushing
Sidney Baer	Ira W. Hulette	Mrs. Rutherford
Levi Baker	Kerby Jennings	LeRoy Saylor
Fred Beshear	Ed Marcum	James J. Shannon
Earl W. Christian	F. G. Marquette	Jesse H. Shelton
Perry M. Cross	Walter Moorman	John M. Spaulding
Horace T. Cull	E. C. Mullins	Albert Thomason
G. I. Drury	Joe E. Nunn	G. C. Thornton
Henry C. Hale	H. S. Overby	Wilford S. Travis
N. M. Hamilton	H. C. Patterson	Lynn Boyd Wells
E. R. Hilton	H. M. Pewitt	Rodney Whitlow
C. J. Holsclaw	Ottis Roberts	G. F. Williamson

—39

Mr. Burnley offered the following amendments to said bill, viz.:

Amendment No. 2. Amend printed copy of H. B. 171 on page 1, subsection 2, line 10, by adding the following: Inserting at the end of line 10 the following additional sentence:

"For his services in retaining the application on file, the clerk shall be paid a fee of $3.00, which shall be withheld by the clerk from the amount of the state tax on the license."

Amendment No. 3. Amend printed copy of H. B. 171, on page 1, by striking therefrom the following:

"An Act amending Section 402.080 of the Kentucky Revised Statutes relating to marriage licenses.

Said Amendment No. 2 and Amendment No. 3 were each and severally disagreed to.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. J. Holsclaw	F. L. Robinson
Jason Alford	Clyde S. Howard	Mrs. Rutherford
Roy W. Arnold	D. W. Howard	Dr. K. N. Salyer
Sidney Baer	R. N. Hubbard	LeRoy Saylor
Fred Beshear	Laban P. Jackson	James J. Shannon
Isaac M. Blevins	Kerby Jennings	Jesse H. Shelton
Chas. J. Bronston	J. Ernest Jones	John M. Stumbo
Mrs. Mary Burnett	Ercel Kozee	G. C. Thornton
Earl W. Christian	F. G. Marquette	W. R. Tipton
George I. Cline	E. H. Martin	J. B. Veech
Perry M. Cross	Walter Moorman	John C. Watts
Horace T. Cull	E. C. Mullins	Lynn Boyd Wells
B. G. Davidson	Stanley Murphy	Rodney Whitlow
Henry C. Hale	J. H. Polsgrove	G. F. Williamson
Carson Hibbitts	E. F. Prichard	Mr. Speaker
E. R. Hilton		

—46

Those who voted in the negative were—

Earl F. Ashcraft	Bernhardt Bauer	Chas. W. Burnley
Levi Baker	C. E. Baumgardner	Everett T. Cooper

G. I. Drury	Ed Marcum	Hobart Rayburn
Kermit Dwyer	C. D. Moberly	Ottis Roberts
Otto W. Goff	Davis Moore	Lilburn S. Rogers
James P. Hanratty	Fred H. Morgan	Glenn Rushing
Dennis Henderson	T. A. Noe, Jr.	D. B. Saylor
M. G. Howard	Joe E. Nunn	Paul E. Shannon
Ira W. Hulette	H. S. Overby	Harry Smith
Paul S. Jonas	H. M. Pewitt	G. W. Steinford
L. H. Jones	L. W. Preston	Wilford S. Travis
W. E. McClure		—34

Resolved that the title thereof be as aforesaid.

Mrs. Burnett moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Chief Clerk produced and read the following communications:

February 23, 1948

Honorable Byron Royster,

Chief Clerk,

House of Representatives,

Frankfort, Kentucky.

Dear Mr. Royster:

I have the resolution adopted by the House of Representatives of Kentucky requesting the Secretary of Agriculture to rescind the order directing a ten per cent reduction in burley tobacco acreage.

I have had some similar requests from my constituents and have wired them that the Secretary of Agriculture had said they could file their objections or be heard up to and including today.

I have urged the Secretary of Agriculture to comply with the request of the resolution, and I sincerely hope he may do so.

With all good wishes, I am

Sincerely,

(Sd.) Brent Spence,
5th Dist., Kentucky,
Congress of the United States.

February 24, 1948

Mr. Byron Royster, Chief Clerk,
House of Representatives,
Frankfort, Kentucky.

Dear Mr. Royster:

This will acknowledge receipt of copy of a resolution adopted by the General Assembly urging the defeat of any legislation to eliminate the Veterans Flight Training Program.

I appreciate your sending this to me, and assure you I shall be glad to give the views expressed therein my earnest and careful consideration when this matter comes before the Senate for action.

Thanking you for your interest, and with all good wishes, I am

Sincerely yours,

(Sd.) Alben W. Barkley,
United States Senate.

February, 25, 1948.

Mr. Byron Royster, Chief Clerk,
House of Representatives,
Frankfort, Kentucky.

My dear Mr. Royster:

This will acknowledge receipt of copy of Resolution adopted by the House of Representatives of the General As-

sembly of the Commonwealth of Kentucky with reference to the proposed ten per cent Burley tobacco cut.

I have talked with Secretary Anderson about this matter and he advises me that the Tobacco Section is seeking a little more information before definitely announcing what action will be taken.

I have called his attention to all the circumstances and I am sure they will be given full consideration. I hope that their answer will be favorable.

Thanking you for your cooperation in this matter and with kind regards, I am

Sincerely yours,

(Sd.) Alben W. Barkley,
United States Senate.

February 25, 1948.

Mr. Byron Royster, Chief Clerk,

House of Representatives,

Frankfort, Kentucky.

Dear Sir:

Receipt is acknowledge of your letter of the 18th instant enclosing certified copy of the resolution of the House of Representatives of the Commonwealth of Kentucky, of February 17, protesting the abandonment by the Chesapeake & Ohio Railway Company of its ferry between New Richmond, Ohio, and South New Richmond, Kentucky, as proposed in its application in Finance Docket No. 15615.

On January 29, 1948, an examiner's proposed report was served recommending that the application be granted. Enclosed herewith is a copy of the report as served upon all parties to the record and upon numerous other persons who had advised this Commission of their interest in the matter.

As indicated thereon, the time for filing exceptions expired February 18. No exceptions have been filed. In due

course the case will be considered by division 4 of this Commission. The case must be decided on the record made by the parties to the proceeding.

Very truly yours,

(Sd.) Charles D. Mahaffie,
Commissioner, Interstate
Commerce Commission.

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 15615

Chesapeake & Ohio Railway Company Ferry Abandonment

(Exception must be filed with Commission and copies served so as to reach all parties or their attorneys who appeared at the hearing or on brief on or before February 18, 1948.)

Submitted..... Decided.....

Recommended that division 4 find that the present and future public convenience and necessity permit abandonment by the Chesapeake & Ohio Railway Company of its ferry between New Richmond, Campbell County, Ky., and New Richmond, Clermont County, Ohio.

Richard T. Wilson, Jr., for applicant.

John R. Hahn, James A. Diskin, C. B. Truesdell and Ben Pelzer, for protestants.

I. E. Cart for Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.

Report Proposed by A. G. Nye, Examiner

The Chesapeake and Ohio Railway Company on February 17, 1947, applied for permission to abandon its ferry across the Ohio River between New Richmond, Campbell County, Ky., and New Richmond, Clermont County, Ohio, approximately 1 mile. Protests were filed and a hearing has been held. All points hereinafter mentioned are in Ohio unless otherwise stated.

The applicant's main line between Cincinnati and Ashland, Ky., is located on the south bank of the Ohio River and

passes through New Richmond, Ky. Across the river from this point is New Richmond, Ohio, a town of about 1,767 inhabitants. In 1888 the applicant entered into an arrangement with the operators of the ferry for transportation of freight across the river, New Richmond was established as a line station and rates were published therefrom and thereto. The ferry equipment and franchise were acquired by the applicant in 1901 and sold to the Manchester Ferry Company in 1926, which operated it under contract with the applicant until July 31, 1938. Operations have been conducted since then by an individual as agent for the applicant. Service has been continuous except for limited periods when navigation and weather conditions have been hazardous. The equipment used in the operation consists of a 64-foot wooden boat propelled by a 95-horsepower Diesel motor. It can accomodate three 5-ton trucks or eight automobiles and has facilities for six to eight passengers. Landings are made by means of an adjustable end apron attached to the boat.

The applicant maintains an agency station at New Richmond, Ky., the structure containing an office and freight storage and passenger waiting rooms, with apurtenant platforms for the two main tracks; 796 feet of team tracks, and a roadway approximately 450 feet in length leading from the station to the ferry landing. No property or facilities are owned or operated at New Richmond, all the applicant's business in that area being handled through the agent at New Richmond, Ky.

The applicant performs a complete transportation service on freight shipments moving between New Richmond and points on its railroad and beyond. Through rates are published to and from that point except on coal and several other items. These rates usually reflect an arbitrary of about 5½% cents per 100 pounds over rates on the same classes and commodities to and from New Richmond, Ky., subject to the increases permitted in Ex Parte 162A. Tariffs also provide for pickup and delivery service on either carload or less-than-carload freight. Freight destined to New Richmond, is received at New Richmond, Ky., ferried across the river, and delivered direct to the consignee in trucks owned and op-

erated by the ferry operator. Out-bound freight consisting principally of less-than-carload lots if picked up by the same trucks and transported to the station at New Richmond,Ky., where it is weighed, billed and forwarded. Collections are made by the agent at this station. Passenger fares are not published to New Richmond, passengers paying the 10-cent ferriage charge at the time service is rendered. The ferry also handles freight and passengers in local bank-to-bank service under rates, fares, and charges published by the applicant and applicable to such service only. In conducting this business the ferry operator does not act as agent of the applicant however. The local revenues are retained by him and deducted from the fee specified in the contract.

The ferry operates daily, trips being made as traffic demands. During March 1947, the average number of trips per operating day was 7.6 with a maximum of 13 and a minimum of 1 trip. Train service into New Richmond, Ky., consists of 2 local freight and passenger trains in each direction daily, except Sunday.

New Richmond is situated on an improved east-west highway extending along the north bank of the Ohio River between Cincinnati and Portsmouth. Several other improved Ohio-State highways radiate east from Cincinnati that are connected with New Richmond by an improved north-south highway. Another hard-surfaced highway extends from Newport, Ky., along the Kentucky side of the river to a point about 5 miles east of New Richmond, Ky. There is a free bridge over the river at Newport and a ferry at Augusta, Ky., about 25 miles east of New Richmond. In addition to Cincinnati which is about 21 miles to the westward, the nearest railheads and the distance by highway from New Richmond are; Batavia, Norfolk & Western, 13 miles; Williamsburg, Norfolk & Western, 21 miles; Kellogg Avenue team tracks, (Pennsylvania) 16 miles, and Newport, Ky., Chesapeake & Ohio, 21.8 miles respectively.

It is estimated that the ferry serves a population of about 8,395 inhabitants within an area comprising a large portion of Clermont County. The area is devoted mainly to agriculture. New Richmond has a worsted and woolen yarn

factory, iron foundry, and a hosiery mill in addition to the usual stores, service stations and mercantile establishments found in a town of its size. Bus lines operate to the east and west on rather frequent schedules particularly to Cincinnati. Common carrier truck lines authorized to handle either intrastate or interstate traffic serve the area. River barge service is used mainly for in-bound shipments of coal. Local concerns also use privately owned trucks for hauling raw and finished products except coke, wool and similar raw materials which are usually brought in by rail and ferry. The population in that part of Campbell County, Ky., within a radius of 1 mile of the New Richmond, Ky., station is estimated to be about 150.

During each year 1944-1946 and the first 5 months of 1947, the ferry transported 1,666, 1,018, 522 and 219 passengers respectively that originated and terminated on the ferry in local bank-to-bank travel. The applicant's records do not show the number that used the ferry in connection with rail travel beyond New Richmond, Ky., the number of vehicles carried by the ferry, or how many passengers occupied vehicles whose transportation was included in the vehicle rate. Rail passenger traffic originating at New Richmond, Ky., was negligible. During the same periods the freight traffic was as follows: originating at New Richmond and terminating on applicant's lines, 0, 0, 0, and 0 carloads and 5.7, 1.8, 11.6 and .2 tons of less than carload; originating at New Richmond and destined to points on connecting lines, 5, 1, 2 and 0 carloads, and 76.5, 32.9, 65.4, and 17.9 tons of less than carload; originating on applicant's lines and terminating at New Richmond, 1, 2, 1, and 1 carload, and 21.1, 29.2, 26 and 12.2 tons of less than carload; and originating on connecting lines and destined to New Richmond 44, 53, 51, and 16 carloads and 200.2, 159.8, 163.4 and 107.6 tons of less than carload. The carload traffic for all the periods consisted of 156 cars of wool and raw wool products, 6 carloads of coke; and the remainder except for 3 carloads of nonrecurrent traffic was miscellaneous supplies and materials for the mills.

The financial results of operating the ferry during each of the years, 1944-1946 and the first 5 months of 1947 in order were: originated and terminated on ferry (local bank-to-bank

passenger traffic) $167, $102, $52, $22; originated and terminated on ferry (bank-to-bank vehicular, livestock, and merchandise freight traffic) $1,888, $2,002, $2,605, $882; system traffic revenue allocated to the ferry, $1,075, $861, $944, $291; system revenue on traffic except coal originating or terminating on ferry and transported beyond New Richmond, Ky., $6,702, $5,081, $6,389, $2,708; system revenues on coal billed into New Richmond, Ky., practically all of which was handled over the ferry at published bank-to-bank rates,[1] $9,022, $6,509, $7,517, $2,892; totals, $18,854, $14,555, $17,507 and $6,795. Operating expenses: compensation paid to ferry operator pursuant to contract, $8,412, $9,950, $9,950, $4,146; station expense allocated to New Richmond station, $37, $37, $37, $15; cost of handling ferry traffic except coal over other parts of the system, $3,351, $2,540, $3,194, $1,354; cost of handling coal into New Richmond, Ky., with New Richmond destination over other parts of the system, $4,511, $3,255, $3,759, $1,446; New Richmond, Ky., station expense including pay roll taxes, $4,760, $4,727, $5,812, $2,398; total system operating expenses, $21,071, $20,509, 22,752, 9,359; system losses, $2,217, $5,954, $5,245, $2,564. The applicant states there is no present intention to close the station at New Richmond, Ky., despite the fact that 98 per cent of the business there is in connection with traffic to and from New Richmond. If the expense of operating this station is considered apart from the ferry, the system net income from the ferry operations would be $2,543, $1,227, (deficit), $567, and $166 (deficit). Local passenger and vehicle revenues are actual. Revenues assigned to the ferry in general reflect the spreads between the rates published to and from New Richmond, Ky., and those to and from New Richmond, Ohio. The expenses of operating the ferry and stations are actual whereas the cost of moving ferry traffic over other parts of the system represents 50 per cent of the revenues derived therefrom. No allowances have been included for overheads. The present ferry operating agreement effective December 29, 1944, for a term of 1 year and continuing

[1] Of the $9,022 for 1944, $6,509 for 1945, $7,517 for 1946 and $2,892 for the first 5 months of 1947, $8,988, $6,507, $7,065 and $2,724 respectively represent line-haul revenues up to New Richmond, Ky., from coal billed to that station and handled over the ferry to New Richmond at local bank-to-bank rates published by the applicant.

from year to year until terminated by either party upon 90 days' notice to the other which superseded several other contracts since 1938, provides the ferry operator shall maintain and operate the ferry and equipment for certain traffic as agent of the applicant and to transport its passengers and freight across the river and to transfer freight between the ferry landings and pick-up and delivery points in New Richmond or the freight house and cars at New Richmond, Ky., for $9,950 per annum less the revenues from certain rail and local bank-to-bank traffic. Further deductions are made to cover the cost of transporting across the ferry at regular tariff rates, the motor trucks owned and operated by the ferry operator in the conduct of his coal business. During each year and the first 5 months of 1947 it cost the applicant for ferriage of New Richmond freight after making these various deductions, $6,358, $7,847, $7,293 and $3,242 respectively or from $6.52 to $10.75 per ton. The ferry operator has made several offers to revise the present contract, the latest one providing that he will conduct the local bank-to-bank business independent of the applicant. Improvements will be made by him that are expected to expand this business. The applicant is to pay him $6,000 annually for a minimum of 1,000 tons of rail freight plus $3,000 per ton for all excess. Ferriage charges averaging about $750 yearly on the ferry operator's trucks used to haul into the New Richmond, Ohio area coal consigned to him at New Richmond, Ky., are likewise to be deducted. It is also provided that if the revenue from the local bank-to-bank traffic exceeds $4,000, the guaranteed amount shall be reduced by one-half the excess. The applicant has refused this latest offer and also the preceding ones for the reasons that the losses would be too great and because the type of operation suggested involves legal questions, the responsibility for which it does not care to assume without prior approval of the Commission. There is nothing pending before the Commission seeking approval of the proposal or any evidence of record indicating the nature of the legal questions. It is significant that if the terms of the proposed agreement had been in effect during 1946, the total system operating losses for that year would have been about

$3,951 instead of $5,245, while if the expense of operating the station at New Richmond, Ky., were excluded, there would be a net income of $1,861 instead of a deficit of $567.

A representative of the yarn factory testified the concern relied upon the ferry for raw materials but because of temporary slack conditions in the industry, traffic lately has been light. The record shows it receives from 1,000 to 1,500 tons of coal annually which is brought in by barge. The ferry is used by this concern mainly because the rail rates on raw wool and similar commodities are more reasonable than motor truck rates and also because the trucking companies do not care for the business. An automobile dealer of New Richmond also testified he received all new automobiles from Cincinnati but the ferry was needed for local bank-to-bank service for his patrons residing on the Kentucky side of the river. Except for an occasional carload of coke that moves over the ferry, the iron works and hosiery mill use their own trucks for hauling in-bound and out-bound products. The municipal authorities at New Richmond contemplate the extension of the town water system and also expect new industries to locate there. The testimony shows that because of occasional flood conditions the probability of new business locating in the area is remote. The few small ones that have begun to manufacture building material rely for transportation upon motor trucks and utilize local materials. The record shows that no contracts have been let nor are the funds available for the water project. It is not improbable that the highways will be used to bring in the contractor's equipment and material for the job when necessary.

The protestants also contend more expeditious service by the applicant and better rates would have prevented the decline in traffic formerly handled over the ferry. One of the factors giving rise to this contention is that certain commodity rates break at Cincinnati whereby New Richmond takes the Cincinnati rate on west-bound shipments but pays a higher rate on those moving in the opposite direction. The matter of rates is not controlling in cases of this kind. Overnight deliveries by motor truck into New Richmond are pos-

sible from many adjoining points but the same service according to the applicant cannot be given by rail.

A representative of railway labor employees opposes the proposal herein because of the adverse effect it would have upon the applicant's employees and requests the Commission in case the application is granted to extend protective measures and impose the same conditions for the protection of employees who may be adversely affected, as those imposed in *Chicago, B. & Q. R. Co. Abandonment,* 257 I. C. C. 700. A witness for the applicant testified that the abandonment of the ferry would not adversely affect any railroad employees and that the two station employees would continue to be employed at New Richmond, Ky. Inasmuch as this station functions almost entirely for traffic originating or terminating at New Richmond, it is not improbable that the granting of the application might warrant its closing thus adversely affecting those employed there. In the event abandonment is permitted the certificate should be issued upon the same conditions as those outlined in the case referred to by the employees' representative.

The record shows that rail traffic over the ferry has been diminishing over a long period and there are no indications that it will be restored. While abandonment might discommode local patrons of the bank-to-bank service without causing any serious public inconvenience, it will obviate the imposition of an unnecessary and undue burden upon the applicant and interstate commerce.

It is recommended that division 4 find that the present and future public convenience and necessity permit abandonment by the Chesapeake & Ohio Railway Company of the ferry between New Richmond, Ohio and New Richmond, Ky., described herein.

An appropriate certificate should be issued.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following titles, viz.:

H. B. No. 24. An Act relating to the classification of cities, amending Section 81.010 of the Kentucky Revised Statutes.

With amendments thereto as proposed and adopted by the Senate.

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend House Bill No. 54, in the Senate, by striking the words, "Elkhorn City, Pike County," in line 95 of the printed bill in the Senate by adding at the end of line 74 of the printed bill the words: "Elkhorn City, Pike County,"

Amendment No. 2. Amend House Bill 54 in the Senate on page 1 of the printed bill by striking the comma in line 3 following the word "city" and substituting in lieu thereof a semicolon, inserting immediately following the semicolon so inserted the words:

"so as to classify the City of Russell Springs, in Russell County, as a fifth class city; and so as to classify the City of Liberty, in Casey County, as a fifth class city,"

Further amend said bill on page 5 of the printed bill by inserting between lines 113 and 114 the words:

"Liberty, Casey County"

Amendment No. 3. Amend H. B. No. 54 in the Senate on page 6 of the printed bill by adding immediately following line 147 the following language:

"Whereas, this re-classification is necessary in order for certain cities of this Commonwealth to qualify for and receive financial aid from the Federal Government vitally needed for the construction of hospitals, and

"Whereas, the immediate construction of such hospital facilities is essential to the public health and welfare in such areas,

"An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor."

Amendment No. 4. Amend House Bill No. 54 in the Senate, on page 6 of the printed bill, by inserting between lines 130 and 131 the following words:

"Russell Springs, Russell County"

Amendment No. 5. Amend House Bill No. 54, page 4, after line 74, Williamsburg, Whitley County, by adding a new line "75½" and the words, "Dawson Springs, Hopkins County."

Ordered that said bill with amendments thereto as proposed and adopted by the Senate be laid on the Clerk's desk.

Mr. D. B. Saylor moved that the rules be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to by a majority of the members elected.

Thereupon bills and a resolution of the following titles were introduced, viz.:

By Mr. Mullins.

H. B. No. 409. An Act relating to the cross-examination of persons having an adverse interest to the parties in any action and to the cross-examination of any person having knowledge of necessary parties to the action.

Said bills is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Subsection 8 of Section 606 of the Civil Code of Procedure is hereby amended to read as follows:

(a) A party may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony.

(b) Any person alleged to have an adverse interest to a party in any action or any person alleged to have knowledge as to the identity of any necessary party to the action may be compelled, by an order of the court, to be examined as if under cross-examination either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony.

By Messrs. D. B. Saylor and Mullins.

H. B. No. 410. An Act repealing Section 161.721 of the Kentucky Revised Statutes, relating to continuing contract or tenure rights of school superintendents.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.721 of the Kentucky Revised Statutes is repealed.

By Mr. Marcum.

H. Res. No. 50. A Joint Resolution authorizing payment of the claim of Charles H. White, of Manchester, Kentucky, for services rendered in the capacity of sheriff of Clay County, Kentucky, and appropriating the necessary sum for the purpose.

Said resolution is as follows, viz.:

Whereas, between March 29, 1937, and January 3, 1938, Charles H. White, of Manchester, Kentucky, serving in the capacity of sheriff of Clay County, Kentucky, rendered services under the provisions of KRS 70.150 and 70.160 for which he was entitled to receive from the state the sum of $1,150.02; and

Whereas, notwithstanding that the claim of the said Charles H. White is a lawful claim, it has not been paid;

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioner of Finance is hereby authorized and directed to draw his warrant upon the State Treasurer, in favor of Charles H. White, of Manchester, Kentucky, in the amount of $1,150.02, plus interest on said amount at the rate of 6% per annum from January 3, 1938, and the State Treasurer is hereby authorized and directed to pay said warrant when presented. The necessary amount to pay said warrant is hereby appropriated out of the General Expenditure Fund in the State Treasury.

Ordered that said bills and said resolution be printed and referred.

Mr. Preston moved that the House do now adjourn to meet again at 8 o'clock, p. m., on Monday, March 1, 1948.

Said motion was disagreed to.

Mr. Clyde S. Howard moved that when the House adjourn today it adjourn to meet again at 10 o'clock, a. m., Saturday, February 28, 1948.

Said motion was disagreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in the Senate of the following titles, viz.:

S. B. No. 249. An Act relating to judicial districts; creating an additional district and making changes in the apportionment of counties to the Second, Third and Fourth Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts.

Said bill is as follows, viz.:

Whereas, the General Assembly has given due regard to the elements of territory, business and population in the division of the state into judicial districts; and

Whereas, with such due regard, the General Assembly has found the following facts to exist:

1. That the entire population of the state, as of the last preceding Federal Census, is 2,845,627.
2. That upon the basis of such population, additional judicial districts may be established to those now existing, pursuant to Sections 128, 132 and 138 of the Constitution.
3. That the County of McCracken contains a city of more than twenty thousand inhabitants and has a population, including said city, of more than forty thousand, and thus has the privilege, under Section 138 of the Constitution, of constituting a judicial district.
4. That it will be convenient and advantageous from the standpoint of territory, and will comply with the spirit and intent of the Constitution with respect to population, and will expedite the business of the courts in the counties involved, to create a new judicial district to consist of the Counties of Livingston, Marshall and Calloway, and to change the Third and Fourth Districts so they will consist of the following counties:

Third District—Christian, Lyon and Trigg
Fourth District—Caldwell, Crittenden and Hopkins

Now, Therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Second, Third and Fourth Judicial Districts shall hereafter be composed of the following counties:

Second District. McCracken.

Third District. Christian, Lyon and Trigg.

Fourth District. Caldwell, Crittenden and Hopkins.

§ 2. A new judicial district is established, to be numbered Fortieth Judicial District, and to consist of the Counties of Livingston, Marshall and Calloway.

§ 3. The present circuit judges and Commonwealth's attorneys for the Second, Third and Fourth Judicial Districts, as now constituted, shall retain their respective offices for the terms for which they were elected, for the said districts as they have been changed under this Act.

§ 4. The offices of circuit judge and Commonwealth's attorney for the new judicial district established by this Act, being the Fortieth Judicial District, are hereby created. Until the regular election for circuit judges and Commonwealth's attorneys in 1951, said offices shall be filled as provided in Section 152 of the Constitution for offices in which there is a vacancy.

§ 5. The regular term of each court in the judicial districts dealt with by this Act shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

Second District. McCracken County, at Paducah, continuous session.

Third District. Christian County, at Hopkinsville, on the fourth Monday in February, thirty-six juridical days; on the first Monday in June, twenty-four juridical days; and on the fourth Monday in September, thirty-six juridical days.

Lyon County, at Eddyville, on the first Monday in May, on the third Monday in August, and on the first Monday in December, twelve juridical days each.

Trigg County, at Cadiz, on the fourth Monday in January, twenty-four juridical days; on the third Monday in May,

twelve juridical days; and on the first Monday in September, eighteen juridical days.

Fourth District. Caldwell County, at Princeton, on the first Monday in March, twelve juridical days; on the first Monday in June and on the fourth Monday in October, eighteen juridical days each.

Crittenden County, at Marion, on the third Monday in March and on the fourth Monday in June, eighteen juridical days each; on the third Monday in November, twelve juridical days.

Hopkins County, at Madisonville, on the first Monday in February, on the first Monday in May and on the fourth Monday in September, twenty-four juridical days each.

Fortieth District. Livingston County, at Smithland, on the second Monday in May, on the first Monday in September, and on the first Monday in December, eighteen juridical days each.

Marshall County, at Benton, on the first Monday in March, twelve juridical days; on the fourth Monday in June, eighteen juridical days; and on the second Monday in October, twelve juridical days.

Calloway County, at Murray, on the second Monday in April, twenty-one juridical days; on the first Monday in August, eighteen juridical days; and on the first Monday in November, twenty-one juridical days.

§ 6. In order not to disturb any term of court in the districts dealt with by this Act, this Act shall not take effect until September 1, 1948.

S. B. No. 252. An Act relating to judicial districts; creating an additional district and making changes in the apportionment of counties to the Twenty-fourth, Twenty-fifth, Thirty-first, Thirty-second and Thirty-sixth Districts.

Said bill is as follows, viz.:

Whereas, the General Assembly has given due regard to the elements of territory, business and population involved in the Division of the state into judicial districts; and

Whereas, with such due regard, the General Assembly has found the following facts to exist:

1. That the entire population of the state, as of the last preceding Federal Census, is 2,845,627.

2. That upon the basis of such population, additional judicial districts may be established to those now existing, pursuant to Sections 128, 132 and 138 of the Constitution.

3. That the County of Boyd contains a city of more than twenty thousand inhabitants, and has a population, including said city, of more than forty thousand, and thus has the privilege, under Section 138 of the Constitution, of constituting a judicial district.

4. That it will be convenient and advantageous from the standpoint of territory, and will comply with the spirit and intent of the Constitution with respect to population, and will expedite the business of the courts in the counties involved, to create a new judicial district to consist of the Counties of Breathitt, Wolfe and Powell, and to change the Twenty-fourth, Twenty-fifth, Thirty-first and Thirty-sixth Judicial Districts so they will consist of the following counties;

Twenty-fourth District—Johnson and Lawrence

Twenty-fifth District—Clark, Jessamine and Madison

Thirty-first District—Floyd and Martin

Thirty-sixth District—Magoffin and Knott

Now Therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Twenty-fourth, Twenty-fifth, Thirty-first, Thirty-second and Thirty-sixth Judicial Districts shall hereafter be composed of the following counties:

Twenty-fourth District. Johnson and Lawrence

Twenty-fifth District. Clark, Jessamine and Madison

Thirty-first District. Floyd and Martin

Thirty-second District. Boyd

Thirty-sixth District. Magoffin and Knott.

§ 2. A new judicial district is established, to be numbered the Thirty-ninth Judicial District, and to consist of the Counties of Breathitt, Wolfe and Powell.

§ 3. The present circuit judges and Commonwealth's attorneys for the Twenty-fourth, Twenty-fifth, Thirty-first, Thirty-second and Thirty-sixth Judicial Districts, as now constituted, shall retain their respective offices, for the terms for which they were elected, for the said districts as they have been changed under this Act, provided that the present Commonwealth's attorney for the Twenty-fourth District, being a resident of Martin County, shall not be entitled to retain his office unless he shall remove his residence, within a reasonable time, into one of the counties of the Twenty-fourth District as constituted under this Act, and provided that the present Commonwealth's attorney for the Thirty-first District, being a resident of Knott County, shall not be entitled to retain his office unless he shall remove his residence, within a reasonable time, into one of the counties of the Thirty-first District as constituted under this Act.

§ 4. The offices of circuit judge and Commonwealth's attorney for the new judicial district established by this Act, being the Thirty-ninth Judicial District, are hereby created. Until the regular election for circuit judges and Commonwealth's attorneys in 1951, said offices shall be filled as provided in Section 152 of the Constitution for offices in which there is a vacancy.

§ 5. The regular term of each court in the judicial districts dealt with by this Act shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

Twenty-fourth District. Johnson County, at Paintsville, on the second Monday in February, the second Monday in

June and the second Monday in November, twenty-four juridical days each.

Lawrence County, at Louisa, on the second Monday in March, the second Monday in July, and the second Monday in October, eighteen juridical days each.

Twenty-fifth District. Clark County, at Winchester, on the first Monday in April, twenty-four juridical days; on the second Monday in September and the first Monday in December, eighteen juridical days each.

Jessamine County, at Nicholasville, on the first Monday in March, the first Monday in June and the first Monday in November, twelve juridical days each.

Madison County, at Richmond, on the first Monday in February, the first Monday in May and the first Monday in October, twenty-four juridical days each.

Thirty-first District. Floyd County, at Prestonsburg, on the first Monday in January, the first Monday in February, the first Monday in April, the first Monday in May, the first Monday in September and the first Monday in October, twenty-four juridical days each.

Martin County, at Inez, on the first Monday in March, the second Monday in July and the second Monday in November, twenty-four juridical days each.

Thirty-second District. Boyd County, at Ashland, continuous session.

Thirty-sixth District. Magoffin County, at Salyersville, on the second Monday in January, the third Monday in April, and the fourth Monday in September, eighteen juridical days each.

Knott County, at Hindman, on the first Monday in March, twenty-four juridical days; on the second Monday in July, eighteen juridical days; and on the second Monday in November, twenty-four juridical days.

Thirty-ninth District. Breathitt County, at Jackson, on the second Monday in March, the second Monday in July, and

the second Monday in November, eighteen juridical days each.

Wolfe County, at Campton, on the first Monday in April, the second Monday in September and the first Monday in December, twelve juridical days each.

Powell County, at Stanton, on the third Monday in April, the third Monday in August and the third Monday in October, twelve juridical days each.

Ordered that said bills be printed and referred.

Mr. Davidson moved that the rules be suspended for the purpose of allowing a Report of Committees.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Davidson of the Committee on Revenue and Taxation No. 1, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 294. An Act relating to property subject to taxation, providing an exemption for certain unmanufactured agricultural products.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Drury of the Committee on Banks and Banking, to which the same had previously been referred, reported a bill of the following title, viz.:

S. B. No. 78. An Act relating to Banks and Trust Companies and combined banks and trust companies, providing for permissive holidays, amending KRS, Section 356.085 and

356.193 to conform thereto and repealing all laws in conflict therewith.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. John C. Watts moved that the House do now adjourn to meet again at 1 o'clock, p. m., Monday, March 1, 1948.

Said motion was agreed to.

And then the House adjourned.

MONDAY, MARCH 1, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend D. D. Dugan, pastor of the Christian Church of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	Chas. W. Burnley	Otto W. Goff
Jason Alford	Earl W. Christian	Henry C. Hale
Roy W. Arnold	George I. Cline	N. M. Hamilton
Earl F. Ashcraft	W. K. Coleman	Carson Hibbitts
Sidney Baer	Robert Collins	E. R. Hilton
Levi Baker	Everett T. Cooper	C. J. Holsclaw
Bernhardt Bauer	Perry M. Cross	Richard R. Houpt
C. E. Baumgardner	Horace T. Cull	D. W. Howard
Fred Beshear	Owen Deering	M. G. Howard
Isaac M. Blevins	G. I. Drury	R. N. Hubbard
Chas. J. Bronston	Kermit Dwyer	Ira W. Hulette
Mrs. Mary Burnett	Henry J. Giles	Laban P. Jackson

Kerby Jennings
Paul S. Jonas
J. Ernest Jones
L. H. Jones
Ercel Kozee
Harry K. Lowman
W. E. McClure
Ed Marcum
F. G. Marquette
E. H. Martin
C. D. Moberly
Archie R. Moore
Davis Moore
Walter Moorman
Fred H. Morgan
E. C. Mullins
Stanley Murphy
T. A. Noe, Jr.
Joe E. Nunn
H. S. Overby
H. C. Patterson
H. M. Pewitt
J. H. Polsgrove
L. W. Preston
E. F. Prichard
Hobart Rayburn
Ottis Roberts
F. L. Robinson
Lilburn S. Rogers
Amos Runyan
Glenn Rushing
Mrs. Rutherford
Dr. K. N. Salyer
D. B. Saylor
LeRoy Saylor
James J. Shannon
Paul E. Shannon
Jesse H. Shelton
Harry Smith
John M. Spaulding
Chas. L. Spillman
G. W. Steinford
John M. Stumbo
Albert Thomason
G. C. Thornton
Wilford S. Travis
J. B. Veech
W. J. Ward
John C. Watts
Lawrence Watts
Lynn Boyd Wells
Rodney Whitlow
G. F. Williamson
Charles W. Wirsch
Mr. Speaker

Mr. Burnley moved that the reading of the Journal of the House of the proceedings of Friday, February 27, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Baker moved that the privilege of the floor be extended to Miss Ella V. Adams.

Said motion was agreed to.

Mr. Mullins moved that the privilege of the floor be extended to Mr. James McMullin and Mr. E. J. Tanner.

Said motion was agreed to.

Mr. Moberly moved that the privilege of the floor be extended to Mr. Homer Ramsey.

Said motion was agreed to.

Mr. Moorman moved that the privilege of the floor be extended to Mr. Leo Ashby.

Said motion was agreed to.

Mr. Thornton moved that the privilege of the floor be extended to Mrs. D. L. Johnson and Miss Mary Kinney Shipp.

Said motion was agreed to.

Mr. Christian moved that the privilege of the floor be extended to Mr. Kim Penrod.

Said motion was agreed to.

Mrs. Rutherford moved that the privilege of the floor be extended to Mrs. Lydia K. Board.

Said motion was agreed to.

Mrs. Burnett moved that the privilege of the floor be extended to Mrs. Henry Skillman, Mrs. Louis Lee Haggee, Mrs. I. Newton Combs, Mrs. LeGrand Briggs, Mrs. George Hunt and Mrs. Deshia Breckinridge.

Said motion was agreed to.

Mr. Goff moved that the privilege of the floor be extended to Mr. J. M. McDaniel.

Said motion was agreed to.

Mr. John C. Watts moved that the rules be suspended and that a bill of the following title, viz.:

S. B. No. 230. An Act enabling discharge of City Manager in cities of the second class by a majority vote of City Commissioners.

Be taken from the Orders of the Day and made a Special Order for the hour of 10:30 o'clock, a. m., Tuesday, March 2, 1948.

Said motion was agreed to by a majority of the members elected.

Mr. Drury moved that the rules be suspended and a bill of the following title, viz.:

S. B. No. 36. An Act relating to the practice of accounting, with particular reference to the certification or registration of public accountants.

Be taken from the Orders of the Day and laid on the Clerk's desk.

Said motion was agreed to by a majority of the members elected.

Mr. Cline moved that the rules be suspended and a bill of the following title, viz.:

H. B. No. 84. An Act to amend Section 63.080 of the Kentucky Revised Statutes, relating to the power of the Governor to remove officer appointed by him.

Be taken from its place in the Orders of the Day and be the second bill to be considered by this House when that Order of Business is reached.

Said motion was agreed to by a majority of the members elected.

INTRODUCTION OF BILLS

Bills and resolutions of the following titles were introduced, viz.:

By Mr. Overby.

H. Res. No. 51. A Joint Resolution authorizing and directing the payment of the sum of $83.02 to Eugene Limville, for services rendered as circuit court clerk of Robertson County, Kentucky, and appropriating that amount from the State Treasury.

Said resolution is as follows, viz.:

Whereas Eugene Limville is entitled to the sum of $83.02 out of the State Treasury for services rendered for the Commonwealth in the capacity of circuit court clerk of Robertson County, Kentucky, from January 1, 1940, to June 30, 1945, which sum has not been paid solely because, through oversight and inadvertence, the claim for the same was not submitted within the time required by statute;

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $83.02 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying the claim of Eugene Limville, of Robertson County, Kentucky, for services rendered in the capacity of circuit court clerk from January 1, 1940, to June 30, 1945. The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of the said Eugene Limville for said amount, and the State Treasurer, upon presentation of the warrant, is directed to issue a check in favor of the said Eugene Limville in the amount of $83.02.

By Mr. James J. Shannon.

H. Res. No. 52. A Joint Resolution appropriating from the General Expenditure Fund in the State Treasury, and authorizing and directing the payment to Mr. J. D. Kennedy, ex-jailer of Madison County, the sum of $480.00.

Said resolution is as follows, viz.:

Whereas, J. D. Kennedy, while serving as jailer of Madison County during the years 1938, 1939, 1940, and 1941,

furnished fuel, light and water to the Madison Circuit Court as required by law, and

Whereas, under the provisions of Section 356 of Carroll's Statutes, the said J. D. Kennedy was entitled to receive from the State Treasury the sum of $480.00 for such services, and

Whereas, through oversight and inadvertence, the claim for such services was not presented to the Department of Finance until after the expiration of the fiscal year in which the services were rendered,

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $480.00 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying the claim of J. D. Kennedy, of Madison County, for fuel, light and water furnished to the Madison Circuit Court during the years 1938, 1939, 1940, and 1941.

The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of the said J. D. Kennedy for said amount, and the Treasurer, upon receipt of the warrant, is directed to issue a check in favor of the said J. D. Kennedy in the amount of $480.00.

By Mr. Shelton.

H. Res. No. 53. A Joint Resolution appropriating from the General Expenditure Fund in the State Treasury the sum of $55.15, and authorizing and directing the payment of the same to D. D. Gullett, of Fannin, Kentucky.

Said resolution is as follows, viz.:

Whereas, D. D. Gullett, of Fannin, Kentucky, is the lawful holder of a State warrant in the amount of $55.15, issued by the Auditor of Public Accounts on October 24, 1933, which warrant has not been paid because, through oversight and inadvertence, the same was not presented within the time prescribed by law;

Now Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $55.15 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying state warrant No. G-9154, dated October 24, 1933, which warrant is now held by D. D. Gullett of Fannin, Kentucky. The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of the said D. D. Gullett, for said amount, and the State Treasurer, upon receipt of the warrant, is directed to issue a check in favor of said D. D. Gullett in the amount of $55.15, said check to be delivered when said warrant No. G-9154 is surrendered for cancellation.

By Mr. Davis Moore.

H. B. No. 411. An Act to amend Sections 241.160 and 241.170 of the Kentucky Revised Statutes, relating to the appointment and qualification of city alcoholic beverage administrators.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 241.160 of the Kentucky Revised Statutes is amended to read as follows:

The legislative body of any city of the first, second, third or fourth class in which traffic in alcoholic beverages is not forbidden by KRS Chapter 242 shall by ordinance create the office of City Alcoholic Beverage Control Administrator, or shall assign the duties of this office to a presently established city office.

Sec. 2. Section 241.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city administrator in each city of the first class, and such investigators and clerks as are deemed necessary

for the proper conduct of his office, shall be appointed by the mayor. The city administrator in each city of the first class, and his investigators, shall have full police powers of peace officers, and their jurisdiction shall be coextensive with such city. They may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

(2) The city administrator in each city of the second, third or fourth class shall be appointed by the city manager if there is one, if there is no city manager, the city administrator shall be appointed by the mayor.

(3) No person shall be a city administrator, an investigator or an employee of the city under the supervision of the city administrator, who would be disqualified to be a member of the Board under KRS 241.100.

By Messrs. Jonas and Wirsch.

H. B. No. 412. An Act relating to the teachers' retirement system; providing for membership and eligibility to membership in the retirement system of certain noninstructional, noncertificated employes of county and independent school districts; and providing the terms and conditions of such membership.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, "noninstructional employes" means full-time employes serving in the capacity of business manager, bookkeeper, stenographer, clerk, building engineer, janitor, fireman, cleaner, carpenter or other maintenance man, bus driver, mechanic, or lunchroom or school cafeteria worker.

§ 2. Noninstructional employes of county and independent school districts in employment on the effective date of this Act shall be eligible to membership in the teachers' retirement system of Kentucky with the following options as to said membership:

(1) Any such employe may individually decline membership and waive all obligations and rights under KRS 161.220 to 161.710, by acknowledgement on a proper form provided by the board of trustees of the system.

(2) Any such employe may come into membership with the same status as a teacher entering service on July 1, 1948.

(3) Any such employe may make the retirement contribution provided by law for any year or years subsequent to July 1, 1940, served in the school system in which he is employed on the effective date of this Act, and in addition thereto an actuarial adjustment of three percent compound interest, and receive service credit as if payment had been made currently during such years of service. Employes taking this option shall be entitled to prior service credit as defined in KRS 161.220 (7). A true record of all such service shall be filed in the office of the board of trustees of the retirement system.

§ 3. The options provided for in Section 2 of this Act must be exercised in writing prior to September 1, 1948. If no option is exercised on the part of any such employe, his status shall be that of option (2), and membership in the retirement system shall be required as a condition of employment.

§ 4. Membership in the teachers' retirement system shall be compulsory as a condition of employment for all noninstructional employes of county and independent school districts entering employment after the effective date of this Act, and such employes shall occupy the same status as new teachers.

Ordered that said resolutions and said bills be printed and referred.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported to this House as follows, viz.:

House Bill No. 390—Committee on Public Health.

House Bill No. 396—Committee on State Parks.

House Bill No. 399—Committee on Ways and Means.

House Bill No. 405—Committee on Appropriations.

House Bill No. 406—Committee on Ways and Means.

House Bill No. 408—Committee on Cities of the Third Class.

House Resolution No. 49—Committee on Kentucky Statutes No. 1.

House Resolution No. 50—Committee on Claims.

Senate Bill No. 173—Committee on Agriculture No. 1.

Senate Bill No. 249—Committee on Kentucky Statutes No. 2.

Senate Bill No. 252—Committee on Kentucky Statutes No. 2.

Senate Resolution No. 12—Committee on Claims.

Senate Resolution No. 34—Committee on Claims.

Senate Resolution No. 35—Committee on Claims.

Senate Resolution No. 36—Committee on Claims.

Senate Resolution No. 37—Committee on Claims.

Senate Resolution No. 39—Committee on Claims.

REPORT OF COMMITTEE

Mr. Hilton of the Committee on Education No. 1, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 379. An Act relating to the distribution of school books.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz.:

H. B. No. 299. An Act relating to bees and apiaries; regulating the propagation and keeping of bees; providing for the suppression of contagious diseases among bees; providing for the registration and regulation of apiaries; and repealing Sections 252.010 to 252.990 of the Kentucky Revised Statutes.

H. B. No. 402. An Act pertaining to child labor and employment and regulation of employment of infants.

H. B. No. 383. An Act to repeal, amend, and re-enact Section 277.170, Kentucky Revised Statutes, with respect to warning the traveling public of the approach of trains to public highway crossings in Kentucky on any railroad track.

H. Res. No. 36. A Joint Resolution providing for the payment to the Bank of Cumberland of certain witness claims allowed by the Cumberland Circuit Court.

H. Res. No. 32. A Resolution appropriating from the General Fund of the Commonwealth of Kentucky the sum of $274.35 to pay Elmine Watts, Sheriff Knott County, for claims due him for services rendered in the performance of his duties for the Commonwealth in returning fugitives from justice from the States of Ohio and Indiana to Hindman, Ky.

H. B. No. 329. An Act relating to elections; requiring the county clerks to furnish lists of candidates and election results to the Secretary of State in connection with primary and general elections for members of the General Assembly.

H. B. No. 400. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insur-

ance written by fire, marine and fire and located in this state, including inland marine insurance.

H. B. No. 401. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance written by casualty insurance and surety companies on risks or operations in this State.

H. B. No. 374. An Act relating to the establishment of flood control systems in cities of the fourth class, providing the manner in which such systems may be established and financed.

H. B. No. 226. An Act relating to alcoholic beverage control, with particular relation to qualifications for license.

With Committee amendment thereto by way of substitute therefor.

H. B. No. 294. An Act relating to property subject to taxation, providing an exemption for certain unmanufactured agricultural products.

S. B. No. 78. An Act relating to Banks and Trust Companies and combined banks and trust companies, providing for permissive holidays, amending KRS, Section 356.085 and 356.193 to conform thereto and repealing all laws in conflict therewith.

Ordered that said bills and said resolutions be read at length the second time.

Mr. John C. Watts moved that the Constitutional provision as to the second reading at length of said bills and said resolutions be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and said resolutions having

been dispensed with, said bills and said resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. John C. Watts moved that the House do now take up from the Clerk's desk a bill which was reported to this House from the Senate on Friday, February 27, 1948.

Said motion was agreed to.

Thereupon, the House took up for consideration a bill entitled, viz.:

H. B. No. 54. An Act relating to the classification of cities, amending Section 81.010 of the Kentucky Revised Statutes.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H. J. of February 9, 1948, ante.)

Said amendments as proposed and adopted by the Senate are as follows, viz.:

Amendment No. 1. Amend House Bill No. 54, in the Senate by striking the words, "Elkhorn City, Pike County." in line 95 of the printed bill in the Senate by adding at the end of line 74 of the printed bill the words: "Elkhorn City, Pike County,"

Amendment No. 2. Amend House Bill 54 in the Senate on page 1 of the printed bill by striking the comma in line 3 following the word "city" and substituting in lieu thereof a semi-colon, inserting immediately following the semicolon so inserted the words:

"so as to classify the City of Russell Springs, in Russell County, as a fifth class city; and so as to classify the City of Liberty, in Casey County, as a fifth class city,"

Further amend said bill on page 5 of the printed bill by inserting between lines 113 and 114 the words:

"Liberty, Casey County"

Amendment No. 3. Amend H. B. No. 54 in the Senate on page 6 of the printed bill by adding immediately following line 147 the following language:

"Whereas, this re-classification is necessary in order for certain cities of this Commonwealth to qualify for and receive financial aid from the Federal Government vitally needed for the construction of hospitals, and

"Whereas, the immediate construction of such hospital facilities is essential to the public health and welfare in such areas,

"An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor."

Amendment No. 4. Amend House Bill No. 54 in the Senate, on page 6 of the printed bill, by inserting between lines 130 and 131 the following words:

"Russell Springs, Russell County"

Amendment No. 5. Amend House Bill No. 54, page 4, after line 74, Williamsburg, Whitley County, by adding a new line "75½" and the words, "Dawson Springs, Hopkins County."

And an amendment to the title of said bill as proposed and adopted by the Senate, viz.:

Amend the title to H. B. No. 54 in the Senate by striking the period at the end thereof, substituting a comma therefor, and adding the following words:

"and declaring an emergency to exist."

Said amendments were then concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	H. C. Patterson
Jason Alford	C. J. Holsclaw	H. M. Pewitt
Earl F. Ashcraft	Richard R. Houpt	L. W. Preston
Sidney Baer	D. W. Howard	E. F. Prichard
Levi Baker	M. G. Howard	Hobart Rayburn
Bernhardt Bauer	R. N. Hubbard	Ottis Roberts
C. E. Baumgardner	Ira W. Hulette	Lilburn S. Rogers
Isaac M. Blevins	Laban P. Jackson	Amos Runyan
Chas. J. Bronston	Kerby Jennings	Mrs. Rutherford
Mrs. Mary Burnett	Paul S. Jonas	LeRoy Saylor
Chas. W. Burnley	L. H. Jones	James J. Shannon
Earl W. Christian	Ercel Kozee	Paul E. Shannon
George I. Cline	Harry K. Lowman	Jesse H. Shelton
W. K. Coleman	W. E. McClure	Harry Smith
Everett T. Cooper	E. H. Martin	G. W. Steinford
Horace T. Cull	C. D. Moberly	John M. Stumbo
Owen Deering	Archie R. Moore	Albert Thomason
G. I. Drury	Davis Moore	G. C. Thornton
Kermit Dwyer	Walter Moorman	John C. Watts
Henry J. Giles	Fred H. Morgan	Lynn Boyd Wells
Otto W. Goff	T. A. Noe, Jr.	Rodney Whitlow
Henry C. Hale	Joe E. Nunn	G. F. Williamson
N. M. Hamilton	H. S. Overby	Charles W. Wirsch
Carson Hibbitts		—70

Resolved that the title thereof be as amended.

Mr. Martin moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of the House.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 242. An Act relating to mines and minerals; amending Sections 351.010, 351.020, 351.060, 351.150, 352.020, 352.030, 352.060, 352.150, 352.280, 352.300, 352.310, 352.320, 352.400, 352.420 and 352.080 of the Kentucky Revised Statutes; repealing Sections 351.200, 351.210, 351.220 and 351.230 of the Kentucky Revised Statutes; and creating a new section of the Kentucky Revised Statutes to be numbered KRS 351.075.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 351.010 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Chief" means Chief of the Department of Mines and Minerals.

(b) "Commercial mine" means any coal mine from which coal is mined for sale or exchange.

(c) "Department" means the Department of Mines and Minerals.

(d) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal.

(e) "Gaseous mine" means any mine in which methane can be or has been detected in the air in amounts of twenty-five one-hundredths per cent or more, or where at least five per cent of methane can be detected in the vicinity of any shot-hole, crevice in the coal, roof, or floor of that mine, or when inflammable gas enters a split of ventilating current at a rate of more than twenty-five cubic feet per minute.

"Non-gaseous mine" means any mine not classified as a gaseous mine.

(f) "Mine"means a group or system of shafts, slopes, drifts or inclined planes connected by one general system of mine railroads over which coal may be delivered to one or more points outside the mine, and connected with excavations that penetrate coal strata and are ventilated by one general air current or divisions thereof.

(g) "Mine foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and for persons employed therein.

(h) "Operator" means an individual, firm or corporation operating a coal mine or any part thereof.

(i) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal or materials.

(j) "Slope" means an inclined opening used for the same purpose as a shaft.

(k) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(l) "Approved" means a device, apparatus, equipment, machinery or practice approved by the Chief of the Department of Mines and Minerals.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

Section 2. That Section 351.020 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) The Department of Mines and Minerals shall be headed by the Chief of the Department of Mines and Minerals.

(2) The department shall administer all laws of this state relating to mines.

(3) The Governor shall appoint a board, to be designated "Advisory Board to the Department of Mines and Minerals," to consist of six persons who are residents of the Commonwealth of Kentucky, three of whom shall be coal operators and three of whom shall be coal miners or persons who have had at least five years' experience as coal miners.

Of the six members originally appointed, the Governor shall appoint one coal operator for a term of two years, one for a term of four years and one for a term of six years; and the Governor shall likewise appoint one coal miner or person with at least five years' experience as a coal miner, as aforesaid, for a term of two years, one for a term of four years, and one for a term of six years. Thereafter all appointments shall be for terms of six years. Each appointee shall serve until his successor is appointed and qualified.

The board, so appointed, shall meet at the offices of the Department of Mines and Minerals or at such other places as the board may agree upon, and at such times as the board may designate; provided, however, that such board shall meet at least once every three months. The Chief shall be ex officio the secretary of the board and shall keep the record of the official proceedings of the board.

The board, or any of its members in cession or out of session, shall have authority and power to examine all records of said department, including all inspection reports, and to investigate and inquire into all matters relating to the enforcement of the mining laws of the Commonwealth of Kentucky; and the board, or any three members thereof, may advise, suggest and make recommendations to the chief of the department or to the general assembly of said Commonwealth, or to both, concerning any or all of such mining laws and their enforcement.

The board shall organize by the election of a chairman, who shall serve for a term of one year and until his successor is elected and qualified.

The members of the board shall perform their services as such, free of charge to the Commonwealth; provided, however, the members of the board shall receive traveling and necessary expenses incurred while engaged in their official duties.

Section 3. That Section 351.060 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

The chief of the department of mines and minerals shall be a male citizen of Kentucky with at least fifteen years mining experience, ten of which shall have been in and about

the mines of this state. He shall be thoroughly familiar with all methods of safety pertaining to the operation of mines, including the methods used in locating oil and gas wells when drilled through any coal seam and the proper manner of drilling and plugging oil and gas wells.

Section 4. That Section 351.150 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

Each district mine inspector shall each week report in writing to the chief of the department the number and condition of all mines inspected by him during the week.

Each mine inspector shall each week deliver to the chief of the department a written report showing the condition of each mine inspected by him and, at the same time, shall deliver a copy of such report to the operator or the superintendent of each mine inspected and another copy thereof to the safety committee of the employees at such mine so inspected; and at the same time each mine inspector shall post a copy of such inspection report on a bulletin board at a prominent place of the operating company or mine where it may conveniently be read by any of the mine employees, which copy, so posted, shall remain posted until a subsequent inspection report is issued by the mine inspector.

Each district mine inspector shall, within fifteen days after the close of each calendar year, file with the chief a report of his proceedings during the calendar year and give such information concerning the mines and mining conditions in his district as is appropriate and required by the chief.

Section 5. That Sections 351.200, 351.210, 351,220 and 351.230 of the Kentucky Revised Statutes are hereby repealed.

Section 6. That Section 352.020 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) The ventilation of all coal mines at which five or more men are employed shall be produced by means of mechanically operated fans located outside the mine, and which fans shall run continuously day and night and shall be inspected at least daily. A recording guage shall be maintained

in connection with each fan at all times. Mines at which less than five men are employed shall be ventilated by means approved by the department of mines and minerals. Use of an inside booster fan, even temporary, for the ventilation of any portion of an operating mine is specially prohibited.

(2) The operator, superintendent or foreman of every coal mine worked by shaft, slope or drift shall provide and maintain for every mine adequate ventilation affording at least 150 cubic feet of air per minute for each person employed in the mine and at least 200 cubic feet of air per minute for each animal worked in the mine, unless the mine liberates explosive gas, in which case he shall provide at least 200 cubic feet of air per minute for each person and 300 cubic feet of air per minute for each animal, and as much more air as the district inspector deems necessary. The air shall be coursed so that main and intermediate haulage roads will be in intake air and circulated around the main headings, cross headings, room headings and working places to such an extent as to dilute, render harmless and carry off any noxious or dangerous gases.

(3) As working places advance, breakthroughs for air shall be made sixty feet apart. In cases of emergency outside and beyond the usual processes of mining coal, breakthroughs may be made not to exceed ninety feet apart, subject to the approval of the district mine inspector and the safety committee of the employees of any mine affected. If any breakthroughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All stoppings shall be substantially built with noncombustible materials of a permanent nature, subject to the approval of the district mine inspector, so as to keep the working places well ventilated. Doors on main haulways shall be avoided in gaseous mines where practicable, and overcasts, which shall be built of concrete or other suitable and noncombustible material and of ample strength, shall be adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.

(4) Where splitting the air is necessary, overcast of noncombustible material of a permanent nature shall be used, wherever possible. When it is not possible to use an overcast

and trap doors must be used, double doors shall be used to form an air lock to prevent loss of circulation and to avoid short circuiting ventilation.

Section 7. That Section 352.030 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) Not more than sixty pearsons may work in the same air current or split. Every mine, and all portions thereof, shall be ventilated by one or more currents of air, which shall contain not less than nineteen per cent of oxygen, nor more than one per cent of carbon dioxide, nor more than five one-hundredths per cent of inflammable gas, nor any harmful amount of poisonous gas or dust, when the current of air enters into each split. Such ventilation shall likewise have a volume of not less than six thousand cubic feet per minute at the last breakthrough of each entry (or each working place if required) and as much more as may be required by the department of mines, while being circulated around main headings, cross-headings and working places. In any event, the ventilation shall be sufficient to prevent methane accumulations, and to keep the methane percentage in the main return and in the split returns to not more than one-half of one per cent.

The ventilating current shall be circulated through the haulageways, travelways and airways so as to reach all portions of the mine, except sealed sections; and it shall be circulated through the entries and rooms, around the ends of line brattice and along pillar lines. It shall be conducted to the last breathrough, or to the working face if required, by means of such stoppages, check doors, curtains and brattice as may be necessary or required, in order to diulte, render harmless and carry away the noxious and dangerous gases, smoke and dust liberated therein, and to supply a sufficient quantity of ventilation for all emergencies.

The foreman shall once every two weeks direct and see that the methane content of the ventilating current is determined by analyses, or by approved methane-indicating detectors. The samples shall be taken in representative working places and in split returns (just beyond the last working place) and in the main returns from the mine, and when men

are at work. A record shall be kept of the analysis of all samples; and a report of this record shall be submitted to the department through the district mine inspector. When samples are taken in moving air currents, air measurement must also be taken and submitted with the report.

When mine ventilation, formerly satisfactory and adequate, becomes deficient in quality or quantity, the department of mines shall have authority to order improvement of th eventilation.

(2) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this chapter, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. Such repair work shall be done under the constant supervision of an official designated by the mine foreman.

(3) If any accident occurs to the ventilating fan or its machinery, so that the ventilation of the mine will be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine, and shall not allow them to return until the ventilation has been restored and the mine thoroughly examined by him, or by an assistant mine foreman or fire boss, and reported safe.

Section 8. That Section 352.060 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) Every mine shall be kept in a clean and orderly condition, as far as practicable, so that dangerous accumulations or unusual quantities of coal dust on the floors or sides of working places, haulageways and travelways are substantially minimized. Tipples shall likewise be reasonably free of such accumulations of coal dust. It shall be the duty of the certified officials to prevent any hazardous accumulations of coal dust, inside or outside the mine.

Fine coal dust shall be made thoroughly wet or rockdusted before being loaded from haulageways or tipples. If ma-

chine-cuttings are of a character which would contribute to an explosion, these shall likewise be loaded out.

(2) Coal dust in suspension in visible quantities shall be allayed at its source. Inside sprinkling systems shall therefore be installed at working faces, loading heads and dumping points, on haulageways and in all other places where coal dust is in suspension or is continually being made. Sprinkling shall also be used on cutter bars of cutting machines, and where coal is in the course of being loaded by conveyor, mechanical loading or hand loading.

Coal dust in tipples and at outside dumping points shall be kept out of suspension by sprinkling or other dust-allaying devices; and coal dust from such tipples or dumps shall not be carried into mines on intake air.

(3) The following rules shall govern in the rock dusting of mines:

(a) Rock dust shall be used in all mines to render coal dust non-explosive where it has accumulated on floor, ribs or sides, roof and timbers;

(b) Rock dust shall be utilized at working places inby the last breakthrough, along haulageways and air courses, and in abandoned places;

(c) Sufficient rock dust shall be applied in every mine to maintain at all times a minimum percentage of sixty-five per cent of incombustible matter and as much more as may be required by instruction or regulation;

(d) The maximum percentage of silica in rock dust shall not be more than one per cent;

(e) The particle size of proper rock dust shall be such that all of the dust shall pass through a sieve having twenty meshes per linear inch, and sixty per cent or more will pass through a sieve having two hundred meshes per linear inch;

(f) Ample supplies of rock dust for fire-fighting purposes shall be made available at all combustible doors;

(g) At least one-half ton of rock dust shall be kept where grease or oil is stored or used in quantities inside a mine.

Section 9. That Section 352.150 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) On single-track haulage roads in mines, which the persons employed in the mine must use while performing their work or while traveling on foot to and from their work, there shall be shelter holes on one side not less than five feet in depth from the side of the mine car, and four feet wide, and six feet high, and not more than sixty feet apart, where haulage is done by machines, and not less than thirty inches in depth from the side of the mine car, and four feet wide, and six feet high, and not more than sixty feet apart, where haulage is done by draft animals. Such shelter holes shall be kept free and clear of refuse and other obstructions.

(2) Special shelter holes are not required on haulage roads on which room necks or break-throughs occur at regular intervals not exceeding sixty feet, and thus furnish shelter holes, or on haulage roads in which the track is so laid as to give a minimum clearance on one side of not less than thirty inches from the side of any haulage engine or any mine car, the clearance to be on the side of the road opposite that upon which electric wires are strung, if electric wires are strung in the road.

(3) No person shall travel on foot to and from work upon any slope used for haulage or upon any haulage road when other roads in proper condition for travel are available.

(4) On all main haulage roads where hauling is done by machinery the mine foreman shall provide a proper system of signals, and a conspicuous light on the front and a light or marker on the rear of every trip or train of cars when in motion in the mine.

(5) Haulage roads on main entries and cross entries shall have a continuous unobstructed clearance of at least thirty inches from the farthest projection of moving equipment.

Section 10. That Section 352.280 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

In all gaseous mines the operator or superintendent shall employ one or more fire bosses holding fire boss certificates.

It shall be the duty of the fire boss or bosses, where employed in such gaseous mines, to examine carefully, within

three hours before the time each shift enters the mine, every working place, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings and all falls in the mine.

It shall be the duty of such fire boss or bosses to prepare a danger signal with red color at the mine entrance, and no person except the mine owner, operator or agent, and only then in case of necessity, shall pass beyond this danger signal until the mine has been examined by the fire boss and the same or certain parts thereof reported by him to be safe.

Before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use an approved safety lamp. The fire boss shall examine for all dangers in all portions of the mine under his charge, and after examination he shall leave at the face of every place examined, by plainly marking on a board at the face for that purpose, the date of the examination, as evidence that he has performed that portion of his duty. He shall also examine the entrance to all worked-out and abandoned portions adjacent to the roadways and working places under his charge where explosive gas is likely to accumulate and shall place a red danger signal across the entrance to every place where explosive gas is discovered or where immediate danger is found to exist from any other cause; and it shall be the further duty of each fire boss to do, or cause to be done, whatever may be necessary to remove from such working place or places all dangerous or noxious gases or other dangerous conditions, and make the same safe for persons to enter therein as workmen. The danger signal aforesaid shall be sufficient warning for persons not to enter.

When the mine is safe, the fire boss shall remove, or cause to be removed, the danger signal at the mine entrance, and change, or cause to be changed, the color thereof to safety, in order that the employees may enter such mine and begin work.

In the performance of the duties devolving upon the fire bosses, they shall have no superior officers, but all the employees working inside of such mine or mines shall be subordinate to them in their particular work.

It shall be unlawful for any person to enter such mine or mines for any purpose at the beginning of work upon each shifts therein until such signal or warning has been given by the fire boss or bosses on the outside of the mine or mines as to the safety thereof, as by statute provided, except under the direction of the fire boss or bosses, and then for the purpose of assisting in making the mine safe. Each person who shall enter such mine, except as aforesaid, before such notice or signal has been given, or any operator, agent or fire boss who shall violate the provisions hereof shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars nor more than two hundred dollars, in the discretion of the court.

Section 11. That Section 352.300 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) The mine foreman and the fire boss shall, at or near the main entrance to the mine, provide a permanent station with a proper danger signal, designated by suitable letters and colors placed thereon, and, if the working portions are one mile or more from the entrance to the mine or from the bottom of the shaft or slop, a station of suitable dimensions for the use of the fire boss may be erected by the mine foreman in a location approved by the district inspector.

(2) No person shall pass beyond the station and danger signal until the mine has been examined by a fire boss and the mine or portions of it beyond the station and danger signal reported by him to be safe.

(3) The fire boss shall not allow any other person to enter or remain in any portion of the mine through which a dangerous accumulation of gas is being passed into the ventilating current from any portion of the mine. He shall report to the mine foreman at once any violation of sections 352.280 to 352.310.

(4) No person, except a fire boss, shall pass or remove or cause to be removed any such danger signal before the mine has been examined and reported to be safe.

(5) No person shall pass or remove any such danger signal without permission from the fire boss.

(6) If any mine foreman has knowledge of a violation of a subsection (4) or (5), he shall immediately notify the operator or superintendent, who shall notify the district mine inspector, in writing. The district mine inspector shall then immediately institute proceedings against the offender.

Section 12. That Section 352.310 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

Any fire boss, who fails to perform his duties, or who makes a false report of the condition of any place in the portion of the mine allotted to him for examination, or who violates any of the provisions of section 352.280 of the Kentucky Revised Statutes, shall be suspended by the mine foreman, and his name shall be given to the district mine inspector for prosecution. If he is found guilty of any of the foregoing, he shall return his certificate of qualifications as fire boss to the department of mines and minerals and his certificate shall be nullified and cancelled.

Section 13. That Section 352.320 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) Where three or more persons are employed in a commercial coal mine in a period of twenty-four hours, the operator shall employ a certified mine foreman therein to properly carry out the plans and rules when approved by the chief of the department and to see that the mining law is complied with. If explosive gas can be detected with an approved flame safety lamp, the operator shall employ a mine foreman of the first class. If explosive gas is not present, the operator may employ a mine foreman of the second class.

(2) When the mine workings become so extensive that the mine foreman is unable personally to carry out the duties required by him by law, the operator or superintendent shall employ a sufficient number of persons having had at least three years' experience in coal mines to act as assistants to the mine foreman, and under his instructions. The mine foreman shall be responsible for their conduct in the discharge of their duties.

Section 14. That Section 352.400 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) The operator of any mine and the mine safety committee at such mine, by joint action, may adopt special rules consistent with Chapters 351 and 352 for the government and operation of said mine and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect, they shall be submitted in writing, jointly, by the operator and the mine safety committee for the particular mine involved, to the department of mines for written approval by the chief of the department. When so adopted and approved, the rules shall be printed on cardboard in the langauge spoken by seventy-five per cent or more of the employees at the mine, and shall be posted on a bulletin board or some other conspicuous place about the mine where they may be seen by the employees at the mine. When the rules are so adopted, approved and posted, all employees at the mine shall be deemed to have notice thereof, and to have agreed thereto, and they shall obey the rules.

(2) The mine rules shall be printed in a form prescribed by the chief of the department.

(3) Each mine operator, when requested by an employee, shall furnish him a copy of the mine rules without cost.

Section 15. That Section 352.420 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) The operator or superintendent of each mine shall give the chief of the department at least twenty days' notice of the following:

(a) Abandonment of a mine.

(b) Resumption of work in a mine after an abandonment or discontinuance for a period of two months or more.

(c) Change in the operator or name of a mine in such manner as required by subsection (1) (a) of KRS 352.080.

(2) Each mine shall be inspected and approved by the Department of Mines and Minerals before operations are resumed after an abandonment of discountinuance for two months or more.

Section 16. That Section 352.080 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) The owner of any mining property desiring to open a new mine shall, before commencing mining operations, secure from the Department of Mines and Minerals a permit to operate any new mine. Each owner of a new mine shall submit the following information to the chief of the department with the application for a permit:

(a) The name of the company which intends to operate the mine; whether it is a corporation, a partnership, an association or individuals, or an individual; and the names and addresses of the principal officers, members or partners.

(b) A map showing the location of the mine to be operated, the proposed system of mining the coal seam, and the proposed system of ventilation.

Within thirty days after receipt of the application the chief of the department shall cause the proposed new mine to be inspected by a district mine inspector in accordance with chapters 351 and 352 KRS, and the district mine inspector shall submit his inspection report to the chief of the department. If the inspection report of such new mine reveals that the mine conforms to the provisions of chapters 351 and 352 KRS in respect to safety, the chief of the department shall issue a permit to such owner to operate the mine.

(2) Any owner of any operating mine, which has been acquired by sale, transfer, or assignment, shall, before commencing mining operations after such sale, transfer, or assignment, comply with the provisions of subsection (1) of this section and secure a permit from the department to operate the mine.

(3) No new or additional openings to any operating coal mine shall be made without the approval of the chief of the department.

(4) Each owner, operator or superintendent of an operating coal mine shall, before making any new or additional opening from the outside, submit to the chief of the department, for his approval, a map or plan showing the proposed system of mining the coal seam, the proposed system of ventilation and equipment of the openings, and their locations and relative positions to adjacent developments.

Section 17. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.075, and to read as follows:

(1) The chief of the Department of Mines and Minerals shall maintain a record, properly indexed, of the information required by the provisions of subsection (1) (a) and subsection (2) of KRS 352.080, and shall permit its inspection by members of the public upon request.

(2) The chief of the Department of Mines and Minerals shall submit copies of the information furnished to him under the provisions of subsection (1) (a) and subsection (2) of KRS 352.080 to the Secretary of State to be indexed and filed.

Mr. Maurice G. Howard offered the following amendments to said bill, viz.:

Amendment No. 1.

Amend printed copy of H. B. No. 242 on page 3, subsection 3 of Section 2, line 12.

By striking line 12 to 19 inclusive and substitute in lieu thereof the following:

"Of the six members originally appointed, the Governor shall appoint one coal operator for a term of two years, one for a term of three years and one for a term of four years; and the Governor shall likewise appoint one coal miner or person with at least five years' experience as a coal miner, as aforesaid, for a term of two years, one for a term of three years, and one for a term of four years. Thereafter all appointments shall be for terms of four years. Each appointee shall serve until his successor is appointed and qualified."

Amendment No. 2.

Amend printed copy of H. B. No. 242 on page 7, section 7, line 5.

Strike out the word "nineteen" and insert the word "twenty".

Said amendments to said bill were each and severally agreed to.

Mr. Alford moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Everett T. Cooper	M. G. Howard
Jason Alford	Perry M. Cross	R. N. Hubbard
Earl F. Ashcraft	Horace T. Cull	Ira W. Hulette
Sidney Baer	Kermit Dwyer	Laban P. Jackson
Bernhardt Bauer	Henry J. Giles	Kerby Jennings
C. E. Baumgardner	Otto W. Goff	Paul S. Jonas
Isaac M. Blevins	Henry C. Hale	J. Ernest Jones
Mrs. Mary Burnett	N. M. Hamilton	L. H. Jones
Chas. W. Burnley	Carson Hibbitts	Ercel Kozee
Paul Carter	E. R. Hilton	Harry K. Lowman
Earl W. Christian	C. J. Holsclaw	W. E. McClure
George I. Cline	Richard R. Houpt	Ed Marcum
W. K. Coleman	D. W. Howard	E. H. Martin

C. D. Moberly	L. W. Preston	Harry Smith
Archie R. Moore	E. F. Prichard	Chas. L. Spillman
Davis Moore	Hobart Rayburn	G. W. Steinford
Walter Moorman	Ottis Roberts	John M. Stumbo
Fred H. Morgan	F. L. Robinson	Albert Thomason
E. C. Mullins	Lilburn S. Rogers	G. C. Thornton
Stanley Murphy	Mrs. Rutherford	John C. Watts
T. A. Noe, Jr.	D. B. Saylor	Lynn Boyd Wells
Joe E. Nunn	LeRoy Saylor	Rodney Whitlow
H. S. Overby	James J. Shannon	G. F. Williamson
H. C. Patterson	Paul E. Shannon	Charles W. Wirsch
H. M. Pewitt	Jesse H. Shelton	—74

There voted in the negative—

G. I. Drury —1

Resolved that the title thereof be as aforesaid.

Mr. Maurice G. Howard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 84. An Act to amend Section 63.080 of the Kentucky Revised Statutes, relating to the power of the Governor to remove officer appointed by him.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 63.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) of this section and otherwise provided by law, any person appointed by the Governor, either with or without the advice and consent of the

Senate, may be removed from office by the Governor for any cause the Governor deems sufficient, by an order of the Governor entered in the Executive Journal removing the officer.

(2) Members of the Board of Trustees of the University of Kentucky, members of the Board of Regents respectively of Eastern Kentucky State Teachers College, Western Kentucky State Teachers College, Morehead State Teachers College and Murray State Teachers College may not be removed except for cause.

Mr. Cline moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Levi Baker	Mrs. Mary Burnett
Jason Alford	Bernhardt Bauer	Chas. W. Burnley
Roy W. Arnold	C. E. Baumgardner	Earl W. Christian
Earl F. Ashcraft	Isaac M. Blevins	George I. Cline
Sidney Baer	Chas. J. Bronston	W. K. Coleman

Everett T. Cooper	L. H. Jones	Hobart Rayburn
Perry M. Cross	Ercel Kozee	Ottis Roberts
Horace T. Cull	Harry K. Lowman	F. L. Robinson
Owen Deering	W. E. McClure	Lilburn S. Rogers
G. I. Drury	Ed Marcum	Mrs. Rutherford
Kermit Dwyer	E. H. Martin	D. B. Saylor
Henry J. Giles	C. D. Moberly	LeRoy Saylor
Otto W. Goff	Archie R. Moore	James J. Shannon
N. M. Hamilton	Davis Moore	Paul E. Shannon
Carson Hibbitts	Walter Moorman	Jesse H. Shelton
E. R. Hilton	Fred H. Morgan	Harry Smith
C. J. Holsclaw	E. C. Mullins	Chas. L. Spillman
Richard R. Houpt	Stanley Murphy	John M. Stumbo
D. W. Howard	T. A. Noe, Jr.	Albert Thomason
R. N. Hubbard	Joe E. Nunn	G. C. Thornton
Ira W. Hulette	H. S. Overby	John C. Watts
Laban P. Jackson	H. C. Patterson	Lynn Boyd Wells
Kerby Jennings	H. M. Pewitt	Rodney Whitlow
Paul S. Jonas	L. W. Preston	G. F. Williamson
J. Ernest Jones	E. F. Prichard	Charles W. Wirsch

—75

Resolved that the title thereof be as aforesaid.

Mr. Cline moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Thomason moved that the rules be suspended for the purpose of introducing bills and a resolution.

Said motion was agreed to by a majority of the members elected.

Thereupon bills and a resolution of the following titles were introduced, viz.:

By Mr. Thomason.

H. B. No. 413. An Act relating to qualifications for licensed insurance agents.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of KRS 298.190 is hereby amended to read as follows:

(1) Except as otherwise provided in KRS 298.170, no person shall be licensed as an insurance agent for a stock insurance company doing other than a life business unless he is a bona fide resident of this state and maintains an office in this state, has completed at least the eighth grade in school, presents a certificate of good character from an agent licensed under this section, and presents evidence that he has completed at least a three weeks training period with the company he represents, and has been duly authorized, in writing, by an insurance company lawfully qualified to transact the business of insurance in this state, to solicit, negotiate or effect contracts of insurance for the company.

By Mr. Ashcraft.

H. B. No. 414. An Act relating to drunken driving.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. KRS 189.520 is hereby amended to read as follows:

(1) No person under the influence of intoxicating liquors or narcotic drugs shall operate a vehicle that is not a motor vehicle upon a highway.

(2) No person shall operate a motor vehicle on a highway while under the influence of intoxicating liquors or narcotic drugs.

(3) No peace officer or Highway Patrolman shall fail to enforce rigidly this section.

(4) Any person properly charged under subsection (1) or (2) of this section before any court of this Commonwealth, having jurisdiction of the person and the offense, shall be

tried for such offense, unless the charge is dismissed for lack of evidence, and no officer, peace officer, prosecutor, judge or justice of the peace shall reduce or aid in reducing such offense to any lesser or related offense.

§ 2. Subsection (10)(a) of KRS 189.990 is hereby amended to read as follows:

(10)(a). Any person who violates subsection (2) of KRS 189.520 shall be fined one hundred dollars and imprisoned for thirty days, and for the next offense he shall be fined five hundred dollars and imprisoned for six months, and for the third offense he shall be imprisoned in the state penitentiary for not less than one year nor more than five years.

§ 3. Any person who violates subsection (4) of KRS 189.520 may be indicted and if convicted shall be fined not less than $50 nor more than $200 and the judgment of conviction shall declare the office held by such person vacant.

By Mr. Goff.

H. B. No. 415. An Act changing the classification of the City of Cumberland in Harlan County.

Said bill is as follows, viz.:

Whereas, satisfactory information has been presented to the General Assembly that the population of the City of Cumberland, in Harlan County, is such as to justify its being assigned to the fourth class of cities;

Now Therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The City of Cumberland, in Harlan County, is hereby transferred from the fifth class to the fourth class of cities. This transfer is intended to be effective notwithstanding that the present General Assembly, in an Act amending KRS 81.010, may, in setting said section forth at length, continue to enumerate the City of Cumberland as a fifth-class city.

By Mr. Archie R. Moore.

H. Res. No. 54. A Joint Resolution authorizing Raymond Clayton of Providence, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Raymond Clayton is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damage to his crops during the years 1944, 1945, 1946 and 1947, grown on his farm in Webster County, Kentucky, on the east side of U. S. Highway 41 extending between Dixon and Providence, Kentucky, which land lies upon what is known as Bull Creek and the ditch leading therefrom across U. S. Highway 41, and contains approximately 106 acres.

Said alleged damage was caused by the overflow of Bull Creek which passes under a bridge erected and constructed and being maintained by the Highway Department of Kentucky at U. S. Highway 41. That the said overflow was due to the fact that the opening is not sufficient to permit the passage of the ordinary rainfalls in that vicinity and the water is caused to back upon the lands of the said Raymond Clayton, which results in damages to his crops.

Said suit shall be for a sum not in excess of $9,350.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the Jury as an admission of negligence or

wrongful act upon the part of the Commonwealth; and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the Jury.

Ordered that said bills and said resolution be printed and referred.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 185. An Act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit or stripping method; regulating such mining; and providing penalties.

With Committee amendments thereto.

Mr. Murphy moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

Mr. Arnold moved that the rules be suspended and a bill of the following title, viz.:

H. B. No. 4. An Act to amend the Constitution of the Commonwealth of Kentucky to change the times of the election of public officers so as to reduce the number of elections to be held in the Commonwealth of Kentucky, and to fix the times for the meetings of the General Assembly made necessary by the change in the times of the elections of the members thereof.

With Committee amendment thereto by way of substitute therefor.

Be taken from its place in the Orders of the Day and made a Special Order for the hour of 3 o'clock, p.m., Tuesday, March 2, 1948.

Said motion was disagreed to by a majority of the members elected.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 16. An Act relating to the special education of physically or mentally handicapped children; creating a Division of Special Education for Handicapped Children; providing for special educational facilities; and appropriating money therefor.

With Committee amendment thereto by way of substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

(1) "Physically handicapped children" means children of sound mind between the ages of 3 and 21 years who suffer from any disability making it impracticable or impossible for them to benefit from or participate in the normal classroom program of the public schools in the school district in which they reside and whose education requires a modification of the normal classroom program.

(2) "Educable mentally handicapped children" means children between the ages of 5 and 21 years who because of retarded mental growth (as determined by recognized standardized tests) are incapable of being educated profitably and efficiently through ordinary classroom instruction but who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted.

(3) "Special education facilities" means special schools, special classes, and special instruction. All special education facilities shall be under the supervision of the Superintendent of Public Instruction.

Section 2. The State Board of Education shall create a "Division of Special Education for Handicapped Children"

separate from any other existing division, to supervise and direct a state program of special education for physically and educable mentally handicapped children of this Commonwealth. It shall be the duty of this division to register all such children, to classify types of physically and mentally handicapped children who may receive school instruction together, to recommend rules and regulations for adoption by the State Board of Education, and generally carry out the special program herein provided. This division shall have a director and necessary assistants appointed by the Superintendent of Public Instruction. No person shall be employed as Director of the Division of Special Education for Handicapped Children who has not had thirty or more hours of graduate work, at least twenty of which shall have been in the field of special education (or the equivalent thereof). The director shall have had successful teaching or supervisory experience in at least one area of the field of special education, or otherwise be qualified for the duties of this position on the basis of education, training, and experience.

Section 3. (1) The State Department of Education is hereby designated as the agency for cooperation with the State and Federal Governments, the approved treatment centers and local schools of Kentucky in carrying out the provisions of this Act. The State Board of Education shall make necessary rules and regulations in keeping with the provisions of this Act for its proper administration.

(2) The State Department of Education is authorized to receive contributions and donations to be used in conjunction with any appropriation that may be made to carry out the provisions and requirements of this Act.

(3) Local supervision of special education facilities shall be approved by the Division of Special Education for Handicapped Children according to rules and regulations approved by the State Board of Education.

Section 4. School boards of any school district may, subject to any limitation hereinafter specified, established and maintain special educational facilities for physcally or educable mentally handicapped children who are residents of their school districts, and, in accordance with the provisions

of Section 9 of this Act, who are residents of other school districts.

Section 5. (1) No physically handicapped child shall be allowed special education facilities except upon a certified diagnosis of a physical defect by competent and appropriate professional authorities acceptable to the Superintendent of Public Instruction.

(2) The Director of Special Education for Handicapped Children, upon the approval of the Superintendent of Public Instruction, shall prescribe rules, regulations and tests for determining what children shall be classified as educable mentally handicapped, and questionable cases shall be decided by the director after adequate examination and consideration of specific case histories.

Section 6. No person shall be employed to teach any class in any school authorized by Section 4 unless he holds a valid teacher's certificate as provided by law and unless he has had such special training as the State Board of Education may require. The State Board of Education is hereby directed to develop plans for the proper education of teachers of mentally or physically handicapped children and to prescribe and issue such standards and regulations as may be necessary and reasonable for certifying teachers and supervisors for exceptional children.

Section 7. The attendance officer of each school district shall ascertain annually all children within his district who are physically or mentally handicapped and shall report the same to the Division of Special Education for Hanicapped Children on forms provided by the State Department of Education and according to regulations prescribed by the Superintendent of Public Instruction.

Section 8. If in any district there are handicapped children not able even with the help of transportation to be assembled in a school, instruction may be provided in the child's home, or in hospitals or sanatoria. Children so instructed may be counted under the provisions of Section, counting however, a minimum of two hours of instruction by a teacher

provided by the Board of Education as equivalent to the attendance of one child five days in school.

Section 9. (1) If a child resident of one school district, because of his handicap attends a class or school for any of such types of children in another school district, the school district in which he resides shall pay to the school district maintaining the school or class he attends, his tuition in a sum equal to the per capita cost of educating normal children in the district of his residence. If the normal per capita cost in the school district mantaining such special education services is greater than the normal per capita cost in the district of the child's residence, then the school district which provides the special education to the child may claim the difference as part of the excess per capita cost, for the purposes of Section 11.

(2) The school board of the school district in which any such child resides shall pay for his transportation to the class in the other school district, unless the school board of the other district provides his transportation to the class, in which case the cost of transportation may, for the purposes of Section 11, be included as part of the excess per capita cost in the school district providing the special education services.

Section 10. The local superintendent of schools shall present to the Superintendent of Public Instruction an application for conditional preapproval of a plan for special education facilities to handicapped children before the local school district shall be eligible to receive state reimbursement for these special educational services.

Section 11. (1) The board of education of a school district providing special education facilities for handicapped children described herein, shall include in its annual budget a sum sufficient to provide such special education facilities, including salaries for qualified teachers, maintenance and transportation of pupils, special books and special equipment, and other approved expenses.

(2) Accurate, detailed, and separate accounts of all monies paid out for special education facilities for handicapped children shall be kept by the local school district.

The district shall make an annual report thereof to the Superintendent of Public Instruction, indicating the excess per capita cost for each handicapped child for the current school year over the ascertained per capita cost for normal children for the same year. The report shall be accompanied by an application for reimbursement of the excess per capita cost, addressed to the Superintendent of Public Instruction, and setting forth the plan of special education facilities provided and maintained in accordance with this Act.

(3) Upon the approval, by the Superintendent of Public Instruction, of the application for reimbursement, the Department of Finance shall draw its warrant upon the State Treasurer, in favor of the treasurer of the school district, for the amount of the excess per capita cost above the average per capita for the school district, as so determined, computed, reported, and approved, but in no event to exceed the sum of $275 per annum for each physically handicapped child, or $125 per annum for each educable mentally handicapped child. The State Treasurer shall pay such warrants out of funds in the State Treasury that have been appropriated for the purpose.

(4) No school district may be reimbursed under this Act for costs for which financial aid is paid under any other Act.

Section 12. There is hereby appropriated to the Division of Special Education, out of the General Expenditure Fund in the State Treasury, as of the effective date of this Act, for the purposes of administering this Act and reimbursing local school districts as provided in this Act, the sum of $100,000, which shall be available for expenditure during the balance of the 1947-1948 fiscal year and during the fiscal years 1948-1949 and 1949-1950. Any unexpended or unencumbered balance remaining of such appropriation at the end of either of such fiscal years shall not lapse to the General Expenditure Fund, but shall be available for expenditure during the following fiscal year or years.

Section 13. Section 159.060 of the Kentucky Revised Statutes is repealed.

Section 14. Whereas the lack of adequate educational facilities for handicapped children threatens to impair their development as useful citizens of this Commonwealth, an emergency is declared to exist and this Act shall be in full force and effect immediately upon its passage and approval.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

(1) "Physically handicapped children" means children of sound mind between the ages of 3 and 21 years who suffer from any disability making it impracticable or impossible for them to benefit from or participate in the normal classroom program of the public schools in the school district in which they reside and whose education requires a modification of the normal classroom program.

(2) "Educable mentally handicapped children" means children between the ages of 5 and 21 years who because of retarded mental growth (as determined by recognized standardized tests) are incapable of being educated profitably and efficiently through ordinary classroom instruction but who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted.

(3) "Special education facilities" means special schools, special classes, and special instruction. All special education facilities shall be under the supervision of the Superintendent of Public Instruction.

Section 2.

(1) Any board of education furnishing special educational facilities for handicapped children as provided for in Section 159.060, Kentucky Revised Statutes, shall present to the Superintendent of Public Instruction an application for conditional pre-approval of a plan for special educational facilities to handicapped children before the said board of

education shall be eligible to receive State reimbursement for such services.

(2) Said district board of education shall, through its Superintendent, make such reports and keep such accounts as the Superintendent of Public Instruction may require in order to secure sufficient information to determine whether the district shall be eligible to receive reimbursement for any funds available for special educational services.

(3) Upon the recommendation of the Superintendent of Public Instruction, the State Board of Education shall make such rules and regulations as it deems wise for carrying out the purposes of this Act.

(4) When the school term has closed, the board of education and Superintendent of the district shall make an annual report accompanied by an application for reimbursement of excess per capita cost above the average per capita cost for the school district. As determined, computed, reported, and approved, in no event shall this excess cost exceed the sum of $275.00 per annum for each physically handicapped child, or $125.00 per annum for each educable mentally handicapped child. No school district may be reimbursed under this Act for costs for which financial aid is paid under any other Act.

Section 3.

There is hereby appropriated out of the General Expenditure Fund for the purpose of administering this Act and reimbursing local school districts as provided in this Act the sum of $100,000, which shall be available for the remainder of the school year 1947-48 after this Act becomes effective and for the school year 1948-49 and 1949-50. Any unexpired and unencumbered balance remaining of such appropriation at the end of either such fiscal years shall not lapse to the General Expenditure Fund, but shall be available for expenditure during the following fiscal year or years.

Section 4.

Whereas, the lack of adequate educational facilities for handicapped children threatens to impair their development as useful citizens of this Commonwealth, an emergency is

declared to exist and this Act shall be in full force and effect immediately upon its passage and approval.

Said Committee amendment to said bill by way of substitute therefor was disagreed to.

Mr. Noe offering the following amendment to said bill, viz.:

Amend printed copy of House Bill No. 16, on page 6, section 12, line 5, by striking the figures "$100,000" and inserting in lieu thereof the figures "$70,000".

Said amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Bernhardt Bauer	Earl W. Christian
Jason Alford	C. E. Baumgardner	Everett T. Cooper
Roy W. Arnold	Isaac M. Blevins	Perry M. Cross
Earl F. Ashcraft	Chas. J. Bronston	Horace T. Cull
Sidney Baer	Mrs. Mary Burnett	Owen Deering
Levi Baker	Chas. W. Burnley	G. I. Drury

Kermit Dwyer	W. E. McClure	F. L. Robinson
Henry J. Giles	E. H. Martin	Lilburn S. Rogers
Otto W. Goff	C. D. Moberly	Mrs. Rutherford
N. M. Hamilton	Archie R. Moore	D. B. Saylor
Carson Hibbitts	Davis Moore	LeRoy Saylor
E. R. Hilton	Walter Moorman	James J. Shannon
C. J. Holsclaw	Fred H. Morgan	Paul E. Shannon
Richard R. Houpt	E. C. Mullins	Jesse H. Shelton
D. W. Howard	Stanley Murphy	Harry Smith
M. G. Howard	T. A. Noe, Jr.	Chas. L. Spillman
Ira W. Hulette	Joe E. Nunn	G. W. Steinford
Laban P. Jackson	H. S. Overby	Albert Thomason
Kerby Jennings	H. C. Patterson	G. C. Thornton
Paul S. Jonas	H. M. Pewitt	John C. Watts
J. Ernest Jones	L. W. Preston	Lynn Boyd Wells
L. H. Jones	E. F. Prichard	Rodney Whitlow
Ercel Kozee	Hobart Rayburn	Charles W. Wirsch
Harry K. Lowman	Ottis Roberts	—71

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 152. An Act relating to Civil Service Employees in cities of the second and third classes, amending sub-sections (91) and (6) of section 90.350 of the Kentucky Revised Statutes, and providing for the manner of making appointments, filling vacancies, and making promotions in the classified positions under City Civil Servce.

Mr. Jonas moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 224. An Act relating to the hiring and compensation of peace officers for the purpose of keeping order at certain places of public entertainment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

None of the provisions of KRS 61.310 shall apply to, or be deemed to prohibit, the employment or remuneration of any peace officer, as defined in that section, by the owner or operator of any hotel, tourist camp, restaurant, or other place of public entertainment at which people assemble to eat, drink, dance, or engage in any game or amusement, which is located five miles or more from the limits of the nearest city, where such employment is for the purpose of keeping order and the prevention of unlawful conduct upon the premises.

Mr. Maurice G. Howard moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Earl F. Ashcraft	Bernhardt Bauer	Chas. J. Bronston
Sidney Baer	C. E. Baumgardner	Earl W. Christian
Levi Baker	Isaac M. Blevins	George I. Cline

Everett T. Cooper	L. H. Jones	L. W. Preston
Perry M. Cross	Ercel Kozee	E. F. Prichard
Horace T. Cull	Harry K. Lowman	Hobart Rayburn
G. I. Drury	W. E. McClure	Ottis Roberts
Kermit Dwyer	Ed Marcum	Mrs. Rutherford
Otto W. Goff	F. G. Marquette	LeRoy Saylor
N. M. Hamilton	E. H. Martin	James J. Shannon
Carson Hibbitts	C. D. Moberly	Paul E. Shannon
E. R. Hilton	Archie R. Moore	Jesse H. Shelton
C. J. Holsclaw	Davis Moore	Harry Smith
Richard R. Houpt	Walter Moorman	Chas. L. Spillman
D. W. Howard	Fred H. Morgan	G. C. Thornton
M. G. Howard	Stanley Murphy	Lynn Boyd Wells
Ira W. Hulette	T. A. Noe, Jr.	Rodney Whitlow
Laban P. Jackson	H. S. Overby	G. F. Williamson
Kerby Jennings	H. C. Patterson	Charles W. Wirsch
Paul S. Jonas	H. M. Pewitt	—59

Resolved that the title thereof be as aforesaid.

Mr. Maurice G. Howard moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 53. An Act to amend and to re-enact Section 229.080, Kentucky Revised Statutes, relating to the granting of exemptions from the payment of tax and license fees for the holding of certain athletic exhibitions.

With Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 229.080, Kentucky Statutes, be and the same hereby is amended and re-enacted so as to read as follows, to wit:

229.080 *Exemptions from license and license fee.*

(1) The department shall issue a permit without the payment of any taxes or license to any accredited college, university, school, Young Men's Christian Association or Young Men's Hebrew Association to hold boxing or wrestling matches or exhibitions upon a sufficient showing that the matches or exhibitions are to be held by and between bona fide students or members of such accredited college, university, school, Young Men's Christian Association or Young Men's Hebrew Association. The department also shall issue a permit, without payment of taxes or license to any organization to hold a boxing or wrestling match or exhibition under the sanction of the Kentucky Association of the Amateur Athletic Union of the United States. No boxer or wrestler who has received any fee, purse or other compensation shall be eligible to appear in any match or exhibition sponsored by such a college, university, school, Young Men's Christian Association, Young Men's Hebrew Association or any other organization.

(2) Regularly organized posts or other subordinate units of any organization chartered by the United States which limits its membership to veterans of the armed forces of the United States may hold boxing or wrestling matches or exhibitions without the payment of the license fee prescribed by KRS 229.070, but shall not hold a match or exhibition within fifteen miles of a licensed club. Any organization holding matches or exhibitions under this subsection shall be subject to the provisions of KRS 229.090 and 229.100.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of House Bill No. 53, on page 2, section 2, lines 23 and 24 by striking therefrom the following: ", but shall not hold a match or exhibition within fifteen miles of a licensed club." and inserting after the figures "229.070" a period.

Said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Carson Hibbitts	H. S. Overby
Jason Alford	E. R. Hilton	H. C. Patterson
Roy W. Arnold	C. J. Holsclaw	H. M. Pewitt
Sidney Baer	Richard R. Houpt	L. W. Preston
Levi Baker	D. W. Howard	E. F. Prichard
Bernhard Bauer	Ira W. Hulette	Ottis Roberts
C. E. Baumgardner	Laban P. Jackson	F. L. Robinson
Isaac M. Blevins	Kerby Jennings	Mrs. Rutherford
Chas. J. Bronston	Paul S. Jonas	D. B. Saylor
Chas. W. Burnley	L. H. Jones	LeRoy Saylor
Earl W. Christian	Ercel Kozee	James J. Shannon
George I. Cline	Harry K. Lowman	Paul E. Shannon
W. K. Coleman	Ed Marcum	Jesse H. Shelton
Robert Collins	E. H. Martin	Harry Smith
Everett T. Cooper	C. D. Moberly	Chas. L. Spillman
Horace T. Cull	Archie R. Moore	G. W. Steinford
Owen Deering	Davis Moore	Albert Thomason
G. I. Drury	Walter Moorman	John C. Watts
Kermit Dwyer	Fred H. Morgan	Rodney Whitlow
Otto W. Goff	Stanley Murphy	G. F. Williamson
N. M. Hamilton	T. A. Noe, Jr.	Charles W. Wirsch

—63

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 144. An Act to repeal and re-enact Section 25.610 of the Kentucky Revised Statutes, relating to the civil jurisdiction of justices' courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That Section 25.610 of the Kentucky Revised Statutes, be and the same is hereby repealed and re-enacted, and as thus re-enacted shall read as follows:

"Justices' courts have jurisdiction concurrent with circuit and quarterly courts of all civil actions for the recovery of money or personal property where the value in controversy; exclusive of interest and costs, does not exceed two hundred dollars; jurisdiction, exclusive of circuit courts and concurrent with quarterly courts, of all civil actions for the recovery of money or personal property where the value in controversy, exclusive of interest and costs, does not exceed fifty dollars; jurisdiction, concurrent with quarterly courts, of motions against constables for failing to discharge their duty; and any other civil jurisdiction conferred upon them by law."

(2) All laws and parts of laws in conflict with this Act are hereby repealed.

Mr. Durham W. Howard moved the Previous Question.

Whereupon, the Speaker Pro Tem announced, "Shall the Main Question now be put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Richard R. Houpt	H. M. Pewitt
Jason Alford	D. W. Howard	E. F. Prichard
Levi Baker	M. G. Howard	Hobart Rayburn
Bernhard Bauer	R. N. Hubbard	F. L. Robinson
C. E. Baumgardner	Ira W. Hulette	Mrs. Rutherford
Chas. J. Bronston	Laban P. Jackson	D. B. Saylor
Chas. W. Burnley	Paul S. Jonas	Leroy Saylor
George I. Cline	L. H. Jones	James J. Shannon
W. K. Coleman	Ercel Kozee	Paul E. Shannon
Everett T. Cooper	Harry K. Lowman	Harry Smith
Perry M. Cross	W. E. McClure	G. W. Steinford
Horace T. Cull	Ed Marcum	John M. Stumbo
G. I. Drury	E. H. Martin	Albert Thomason
Kermitt Dwyer	Archie R. Moore	G. C. Thornton
Henry J. Giles	Walter Moorman	John C. Watts
Otto W. Goff	Fred H. Morgan	Lynn Boyd Wells
Henry C. Hale	Stanley Murphy	Rodney Whitlow
N. M. Hamilton	T. A. Noe, Jr.	G. F. Williamson
C. J. Holsclaw	H. C. Patterson	Charles W. Wirsch

—57

There vote in the negative—

Ottis Roberts —1

Resolved that the title thereof be as aforesaid.

Mr. Durham W. Howard moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 106. An Act relating to contracts and separate estate of married women, amending KRS 404.010.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 404.010, Kentucky Revised Statutes is hereby repealed, amended and reenacted so that as amended and reenacted it shall read as follows:

"(1) Marriage shall give to the husband, during the life of the wife, no estate or interest in the wife's property, real or personal, owned at the time or acquired after the marriage. During the existence of the marriage relation the wife shall hold and own all her estate to her separate and exclusive use, and free from the debts, liabilities or control of her husband.

"(2) After the effective date of this Act a married woman may make a contract to answer for the debt, default or misdoing of another, including her husband, and her estate shall be subjected to the payment or satisfaction of such liability, so contracted for, provided, however, no part of a married woman's estate shall be subjected to the payment or satisfaction of any liability upon such a contract made after marriage and before the effective date of this Act unless the estate has been set apart for that purpose by mortgage or other conveyance. But a married woman's estate shall be liable for her debts and responsibilities contracted before mar-

riage, and for such contracted after marriage, except as provided in this chapter and in Chapter 392."

Mr. Bauer offered the following amendment to said bill, viz.:

Amend printed copy of House Bill No. 106 on page 1, section 1, line 12, after the comma and before the word "and" by adding the following:

"except that no married woman may make a contract as surety for any person in connection with any criminal proceeding."

Said amendment to said bill was agreed to.

Mr. Bauer moved the Previous Question.

Whereupon, the Speaker Pro Tem announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Richard R. Houpt	H. C. Patterson
Jason Alford	M. G. Howard	L. W. Preston
Sidney Baer	R. N. Hubbard	E. F. Prichard
Bernhardt Bauer	Ira W. Hulette	Hobart Rayburn
C. E. Baumgardner	Laban P. Jackson	Ottis Roberts
Chas. W. Burnley	Kerby Jennings	F. L. Robinson
Earl W. Christian	Paul S. Jonas	Mrs. Rutherford
George I. Cline	J. Ernest Jones	James J. Shannon
W. K. Coleman	Ercel Kozee	Paul E. Shannon
Perry M. Cross	W. E. McClure	Jesse H. Shelton
Horace T. Cull	Ed Marcum	Harry Smith
Owen Deering	E. H. Martin	Chas. L. Spillman
G. I. Drury	Davis Moore	G. W. Steinford
Henry J. Giles	Walter Moorman	John M. Stumbo
Otto W. Goff	Fred H. Morgan	G. C. Thornton
Henry C. Hale	Stanley Murphy	John C. Watts
N. M. Hamilton	T. A. Noe, Jr.	Lynn Boyd Wells
E. R. Hilton	Joe E. Nunn	Rodney Whitlow
C. J. Holsclaw	H. S. Overby	G. F. Williamson

—57

There voted in the negative—

C. D. Moberly —1

Resolved that the title thereof be as aforesaid.

Mr. Bauer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 272. An Act relating to the methods, apparatus and standards to be used in grading wheat.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 363.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person buying wheat by grade shall follow the following procedure and use the following standard apparatus for determining the test weight per bushel:

(a) Use an accurate quart or one-half gallon size weight-per-bushel testing apparatus, the kettle of which must have a capacity of exactly 67.2 and 134.4 cubic inches respectively.

(b) A round hopper shall be above the quart or one-half gallon size kettle and the opening at the bottom shall be exactly 1¼ inches in diameter.

(c) The bottom of the hopper must be held exactly 2 inches above the center of the kettle.

(d) A stroker made of hard wood, with smooth rounded edges, 12 inches long, ⅜ inches thick, and 1⅜ inches broad must be used.

(e) A beam shall be used which is both accurately graduated and sensitive.

(f) The kettle shall be filled from the hopper.

(g) After the kettle is full the stroker shall be placed on the edge of the kettle lightly and sides held in a vertical position.

(h) The grain above the edge of the kettle shall be removed with three full-length zigzag motions of the stroker.

(i) The kettle shall rest on a firm base.

(j) The test must be made immediately after the sample has been brought to the inspection room, office or laboratory.

(k) The grain tester shall be tested annually for accuracy of kettle capacity, accuracy of beam readings, and sensitiveness of beam.

(2) This section does not apply to transactions in which the grain is inspected or graded under the United States Grain Standard Act.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. J. Holsclaw	H. S. Overby
Roy W. Arnold	Richard R. Houpt	H. C. Patterson
Sidney Baer	D. W. Howard	H. M. Pewitt
Levi Baker	M. G. Howard	L. W. Preston
Bernhardt Bauer	R. N. Hubbard	E. F. Prichard
C. E. Baumgardner	Ira W. Hulette	Ottis Roberts
Isaac M. Blevins	Laban P. Jackson	Mrs. Rutherford
Chas. J. Bronston	Kerby Jennings	LeRoy Saylor
Chas. W. Burnley	Paul S. Jonas	Paul E. Shannon
George I. Cline	J. Ernest Jones	Jesse H. Shelton
W. K. Coleman	L. H. Jones	Harry Smith
Everett T. Cooper	Ercel Kozee	Chas. L. Spillman
Perry M. Cross	W. E. McClure	G. W. Steinford
Horace T. Cull	Ed Marcum	John M. Stumbo
Owen Deering	C. D. Moberly	Albert Thomason
G. I. Drury	Archie R. Moore	G. C. Thornton
Kermit Dwyer	Davis Moore	John C. Watts
Henry J. Giles	Fred H. Morgan	Lynn Boyd Wells
Otto W. Goff	Stanley Murphy	Rodney Whitlow
N. M. Hamilton	T. A. Noe, Jr.	Charles W. Wirsch

—60

Resolved that the title thereof be as aforesaid.

Mr. Moorman moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 271. An Act relating to holidays; providing that June 3rd, which is now observed as Confederate Memorial Day, shall also be observed as Jefferson Davis Day.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 30th day of May (Memorial Day), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the 4th day of July (Independence Day), the first Monday in September (Labor Day), the 12th day of October (Columbus Day), the 11th day of November (Armistice Day), the 25th day of December (Christmas Day) of each year, and all days appointed by the President of the United States or by the Governor as days of thanksgiving, are holidays, on which all the public offices of this Commonwealth may be closed and shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other

papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

§ 2. Whereas, the normal effective date of this Act would fall after June 3, thus preventing the recognition of that day in honor of Jefferson Davis, an emergency is declared to exist and this Act shall take effect upon its passage and the approval of the Governor.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Kermit Dwyer	Laban P. Jackson
Jason Alford	Henry J. Giles	Kerby Jennings
Roy W. Arnold	Otto W. Goff	Paul S. Jonas
Sidney Baer	Henry C. Hale	J. Ernest Jones
Levi Baker	E. R. Hilton	L. H. Jones
C. E. Baumgardner	C. J. Holsclaw	Ercel Kozee
Chas. W. Burnley	Richard R. Houpt	W. E. McClure
Earl W. Christian	D. W. Howard	Ed Marcum
Horace T. Cull	M. G. Howard	E. H. Martin
Owen Deering	R. N. Hubbard	Archie R. Moore
G. I. Drury	Ira W. Hulette	Fred H. Morgan

T. A. Noe, Jr.	Mrs. Rutherford	John M. Stumbo
Joe E. Nunn	LeRoy Saylor	Albert Thomason
H. C. Patterson	James J. Shannon	G. C. Thornton
H. M. Pewitt	Paul E. Shannon	John C. Watts
L. W. Preston	Harry Smith	Lynn Boyd Wells
E. F. Prichard	Chas. L. Spillman	Charles W. Wirsch
Ottis Roberts	G. W. Steinford	—53

Resolved that the title thereof be as aforesaid.

Mr. Goff moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. McClure moved that the rules be suspended for the purpose of allowing a Report of Committee.

Said motion was agreed to by a majority of the members elected.

Whereupon, Mr. McClure of the Committee on Kentucky Statutes No. 2, to which the same had previously been referred, reported bills of the following titles, viz.:

S. B. No. 51. An Act making provisions for an agricultural production and marketing commission; prescribing its membership, powers and duties.

S. B. No. 49. An Act relating to the functions and powers of the division of markets in the Department of Agriculture, Labor and Statistics.

S. B. No. 50. An Act relating to the division of markets in the Department of Agriculture, Labor and Statistics, with particular relation to the compensation of the Director of the Division.

With the expression of opinion that same should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Jennings moved that the rules be suspended for the purpose of allowing introduction of bills.

Said motion was agreed to by a majority of the members elected.

Thereupon, bills of the following titles were introduced, viz.:

By Mr. Jennings.

H. B. No. 416. An Act relating to the period within which legislative bills and joint resolutions may be introduced at future sessions of the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Beginning with the 1950 session of the General Assembly, no legislative bill or joint resolution shall be introduced, nor shall any such bill or resolution be accepted by the Clerk of either House, after the tenth day of any regular session of the General Assembly.

By Mr. Hulette.

H. B. No. 417. An Act relating to maintenance of subdivision streets by fiscal courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any street located outside the corporate limits of an incorporated city which is a street of a subdivision established

by a recorded plat, which dedicates the streets to public use, shall be maintained by the county in which it is located. Provided said street is at least one thousand feet in length and provided that at least fifty percent of the lots abutting said street contain houses which are occupied. The fiscal court of any county shall maintain such streets in the same manner that roads established under KRS 158.115 are maintained.

By Mr. Ashcraft.

H. B. No. 418. An Act relating to the operation of motor vehicles with particular relation to the restrictions upon parking, stopping or leaving a motor vehicle standing upon a street or highway; amending KRS 189.450.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 189.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, except when required by traffic conditions or in compliance with the direction of a traffic officer or a traffic control device, shall stop a vehicle, leave it standing, or cause or permit it to stop or be left standing upon the main traveled portion of a highway, that is not a city street, for any purpose. This subsection shall not apply to a vehicle that has been disabled while on the main traveled portion of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the main traveled portion or impracticable to remove it from the highway until repairs have been made or sufficient help obtained for its removal.

(2) Whenever any police officer finds a vehicle standing upon such a highway in violation of this section, he may move the vehicle, or require the operator or other person in charge of the vehicle to move it, to a position off the paved or improved or main traveled part of the highway.

(3) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where

the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety.

(4) No person shall stop or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

(a) On a sidewalk or crosswalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) At any place where official signs prohibit stopping; or

(e) On the left-hand side of the highway at a point that is within 150 feet from the brow of a hill or where the view is otherwise obstructed for that distance.

(5) No person shall move a vehicle not owned by him into any such prohibited area or away from the curb for an unlawful distance.

(6) Subsection (1) of this section shall not apply to any bus, or taxicab operating under a certificate, permit or other authorization of the Division of Motor Transportation, when such vehicle is in the process of loading or unloading passengers, and any person upon meeting or overtaking such vehicles stopped on the highway shall come to a complete stop and then may proceed with due caution for the safety of any passengers of such vehicle.

(7) In any civil action, the failure of the operator of any vehicle to comply with this section shall be deemed prima facie evidence of negligence.

(8) Subsection (1) of this section shall not apply to a school bus when such bus is loading and unloading passengers.

By Mr. Hale.

H. B. No. 419. An Act relating to Game and Fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No game, fish, shrubbery, or other articles or equipment, produced by the division of Game and Fish shall be sold, traded, leased or presented as a gift, to any individual, partnership, corporation, state, municipality, or nation but must be used to restore the wildlife of the Commonwealth.

H. B. No. 420. An Act relating to Game and Fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No director, commissioner, employee or relative of the director, commissioners or employes of the Division of Game and Fish shall be interested in any contract, purchase or fee of the Division of Game and Fish.

H. B. No. 421. An Act relating to Game and Fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. KRS 150.200 is hereby amended to read as follows:

(1) All licenses and permits issued by the Division of Game and Fish shall be issued on a fiscal year basis, July 1 of each year shall be the beginning of the license year and all licenses issued on July 1 or thereafter shall expire on June 30 of the next year.

(2) The director shall deliver to each county clerk, ten days before July 1 of each year, as many licenses, tags and forms as may be required, and charge each clerk for the number issued to him. On July 15 of each year, and within ten days after that, each county clerk shall return to the division all unused licenses, stubs and unused tags, which he has received for the preceding year.

H. B. No. 422. An Act relating to Game and Fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of KRS 150.150 is hereby amended to read as follows:

(1) Except as otherwise provided in this chapter, all moneys derived from the sale of licenses or from any other source connected with the administration of this chapter shall be promptly paid over to the State Treasurer, who shall deposit such moneys in a special fund known as the Game and Fish Fund. The Game and Fish Fund shall be used to carry out the purposes of this chapter and any law or regulation for the protection of wild animals, birds or fish and shall be used for no other purpose; and no money accruing to the Division of Game and Fish shall be spent for any private group of sportsmen or combinations of sportsmen clubs for publicity purposes, such as printing magazines, or parts of magazines.

H. B. No. 423. An Act relating to Game and Fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to be numbered KRS 150.073, and it shall read as follows:

No person shall be employed who is related to the director or any member of the commission as father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, sister-in-law, daughter-in-law, either by blood or marriage. First or second cousins either by blood or marriage. No two people from the same family shall be employed by the commission as husband, wife, father and son, sisters, brothers, neices, nephews, first and second cousins. No immediate dependent member of the director's family shall be employed by the Commonwealth.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 20. A Joint Resolution authorizing the personal representative of R. G. Hanner, deceased, of Providence, Kentucky, to sue the Commonwealth of Kentucky.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 13. A Joint Resolution authorizing Johnny Runner to sue the Commonwealth of Kentucky.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 17. A Joint Resolution authorizing the personal representative of R. G. Hanner, deceased, of Providence, Kentucky, to sue the Commonwealth of Kentucky.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 23. A Joint Resolution authorizing the payment of Sheriff fees as provided in KRS 64.070 to Charles V. Hall of Jeffersontown, Kentucky, for transportation of certain prisoners from Gallatin County, Kentucky, to the Kentucky State Reformatory at LaGrange, Kentucky, during 1944 and 1945.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 8. A Joint Resolution authorizing the payment of witness claims and a pauper idiot claim duly allowed by the Breathitt Circuit Court and owned by the First National Bank of Jackson, Kentucky.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 30. A Joint Resolution authorizing the payment of judges' examining trial fees as provided by Kentucky Revised Statutes 26.180 and 64.220 to John O. Hardin of Hopkinsville, Christian County, Kentucky, Judge of Police Court of the City of Hopkinsville for certain examining trials held in said court during the years 1942, 1943, 1944, 1945, 1946, and 1947.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 15. A Joint Resolution authorizing Curtis Pigman to sue the Commonwealth of Kentucky.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 6. A Joint Resolution authorizing the payment of a claim for holding examining trials allowed by the Marion Circuit Court, to G. C. Spalding of Lebanon, Kentucky.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 8. A Joint Resolution authorizing Mell T. Prather to sue the Commonwealth of Kentucky and the Department of Highways of the Commonwealth of Kentucky, either or both.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

S. Res. No. 14. A Joint Resolution authorizing Dan T. Martin to sue the Commonwealth of Kentucky.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 27. A Joint Resolution authorizing the payment, to Lee Swanner of London, Kentucky, of certain witness claims allowed by the Laurel Circuit Court and the Rowan Circuit Court.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 9. A Joint Resolution authorizing B. H. Kelley to sue the Commonwealth of Kentucky.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 16. A Joint Resolution authorizing Maude Turner Herald to file suit against the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School, or any one or more of them.

Mr. John C. Watts moved that consideration of said resolution be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 154. An Act relating to the certification of teachers.

With Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any teacher who holds a provisional elementary teacher's certificate, issued under the provisions of KRS 161.060, and has taught twenty terms of school in the Commonwealth of Kentucky, shall be granted a certificate extended for the life of the holder.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. No. 154 on page 1, section 1, line 1, by striking the words "provisional elementary"

Said Committee amendment to said bill was agreed to.

Mr. Cooper moved the Previous Question.

Whereupon, the Speaker Pro Tem announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Kerby Jennings	E. F. Prichard
Earl F. Ashcraft	Paul S. Jonas	Ottis Roberts
Isaac M. Blevins	J. Ernest Jones	F. L. Robinson
Chas. J. Bronston	L. H. Jones	D. B. Saylor
Chas. W. Burnley	Ercel Kozee	LeRoy Saylor
Everett T. Cooper	C. D. Moberly	Paul E. Shannon
Perry M. Cross	Archie R. Moore	Harry Smith
Owen Deering	Walter Moorman	G. W. Steinford
G. I. Drury	Fred H. Morgan	John M. Stumbo
Kermit Dwyer	E. C. Mullins	Albert Thomason
Henry J. Giles	Stanley Murphy	G. C. Thornton
Otto W. Goff	Joe E. Nunn	Lynn Boyd Wells
Henry C. Hale	H. C. Patterson	G. F. Williamson
M. G. Howard	H. M. Pewitt	Charles W. Wirsch
Ira W. Hulette		

—43

Those who voted in the negative were—

Bernam Adams	Levi Baker	Horace T. Cull
Sidney Baer	George I. Cline	N. M. Hamilton

E. R. Hilton	W. E. McClure	Lilburn S. Rogers
C. J. Holsclaw	L. W. Preston	Jesse H. Shelton
D. W. Howard		—13

Resolved that the title thereof be as aforesaid.

Mr. Alford moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Preston moved that the House do now recess until 8 o'clock, p. m.

Said motion was agreed to.

And then the House recessed.

The hour of 8 o'clock, p. m., having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Prichard moved that the rules be suspended for the purpose of offering a resolution.

Said motion was agreed to by a majority of the members elected.

Whereupon, Mr. Prichard offered a resolution of the following title, viz.:

H. Res. No. 55. Resolution authorizing H. C. Yeager to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, the State Highway Department, in constructing a culvert under Highway 68 near South Elkhorn in Fayette County, Kentucky, thereby caused surface water to flow through the tile culvert onto the property of H. C. Yeager, making a ditch through said property and preventing Mr. Yeager from cultivating said property, and

Whereas, the said H. C. Yeager claims that his property was damaged in the sum of Two Thousand Dollars ($2,000.00), and

Whereas, if such damage was sustained the same should be repaid by the Commonwealth of Kentucky as the road was built under the supervision and control of the State Highway Department and the Commonwealth of Kentucky.

Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That H. C. Yeager be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Fayette Circuit Court for such damages as he may have suffered, if any, by reason of the injuries to his property caused by the construction of the culvert mentioned herein, and in the event any judgment or recovery be had by the said Yeager in said suit for damages to his property, the same shall be paid by the Treasurer out of the highway funds, but the judgment shall not exceed the sum of Two Thousand Dollars ($2,000.00), and the Commonwealth of Kentucky shall have the right to appeal as in any other civil cases.

Ordered that said resolution be printed and referred.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in that body of the following title, viz.:

S. B. No. 183. An Act, repealing, amending and reenacting Section 278.500, Kentucky Revised Statutes, authorizing condemnation of lands and rights in land and material for the use of oil and gas pipe lines, and for recognized underground gas storage fields, prescribing the mode of condemning lands, or rights in land and materials for such use.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.500, Kentucky Revised Statutes is hereby repealed, amended and reenacted, so that when reenacted said section shall read as follows:

Any company organized for the purpose of constructing, maintaining or operating oil or gas wells or pipe lines for transporting or delivering oil or gas may, if it is unable to contract or agree with the owner, condemn the lands or rights in lands and material or the use and occupation of the lands that are necessary for constructing, maintaining and operating its pipe lines, recognized underground gas storage fields, and all necessary machinery, pumping stations, appliances and fixtures, including tanks and telephone and telegraph lines, for use in connection therewith, and the necessary rights of ingress and egress to examine, maintain and operate such recognized underground gas storage fields, and to examine, alter, repair, maintain, operate or remove such pipe lines. The proceedings for condemnation shall be provided in KRS 416.010 to 416.080.

Ordered that said bill be printed and referred.

The message which was received from the Senate also announced that they had passed bills which originated in the House of the following titles, viz.:

H. B. No. 96. An Act relating to motor carriers, as defined in KRS Chapter 281; with particular relation to reciprocity agreements with other states and the District of Columbia concerning taxes upon vehicles operated in interstate commerce.

H. B. No. 312. An Act relating to the State Textbook Commission, its organization and duties.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 223. An Act relating to the distribution of the state school per capita fund.

With Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 157.050 of the Kentucky Revised Statutes is amended to read as follows:

For each school year the Department of Finance, on the certification of the Superintendent of Public Instruction, shall draw a warrant on the treasurer for the amount of the school fund due each district. The checks or warrants, in case the warrants are stamped interest-bearing, shall be turned over to the Superintendent of Public Instruction for distribution to the proper officials of the several school districts when the districts have fully complied with the school laws and rules and regulations of the State Board of Education, provided, however, that the Superintendent of Public Instruction shall not withhold any funds from any school district because of the status of the accrediting rating of any high school in the district. The school fund shall be distributed in the same number of installments as there are months in the minimum school term declared by the Superintendent of Public Instruction upon the approval of the State Board of Education. The first installment shall be paid on or before August 1 of each year to those districts whose terms begin during the month of July and the first installment shall be paid on or before September 1 of each year to all other districts and the subsequent installments paid on or before the first day of each succeeding month until all of the installments have been paid.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. No. 223, on page 1, line 13, by changing the period (.) in line 13 to a comma (,) and

then to add the following words in said sentence after the comma: "insofar as such rating is determined by enrollment."

Said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	D. W. Howard	H. C. Patterson
Roy W. Arnold	R. N. Hubbard	H. M. Pewitt
Bernhardt Bauer	Kerby Jennings	J. H. Polsgrove
Fred Beshear	J. Ernest Jones	L. W. Preston
Isaac M. Blevins	Ercel Kozee	Hobart Rayburn
Chas. W. Burnley	W. E. McClure	Ottis Roberts
Earl W. Christian	Ed Marcum	Lilburn S. Rogers
Robert Collins	F. G. Marquette	Amos Runyan
Everett T. Cooper	E. H. Martin	Glenn Rushing
Perry M. Cross	C. D. Moberly	LeRoy Saylor
Kermit Dwyer	Archie R. Moore	James J. Shannon
Otto W. Goff	Walter Moorman	Paul E. Shannon
N. M. Hamilton	Fred H. Morgan	Jesse H. Shelton
C. J. Holsclaw	E. C. Mullins	Harry Smith
Richard R. Houpt	Joe E. Nunn	John M. Spaulding

Chas. L. Spillman	G. C. Thornton	Lawrence Watts
G. W. Steinford	Wilford S. Travis	Lynn Boyd Wells
John M. Stumbo	W. J. Ward	G. F. Williamson
Albert Thomason	John C. Watts	Charles W. Wirsch

—57

Those who voted in the negative were—

George I. Cline	Owen Deering	E. F. Prichard
Horace T. Cull	E. R. Hilton	

—5

Resolved that the title thereof be as aforesaid.

Mr. Jennings moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hilton moved that the rules be suspended and the privilege of the floor extended to Messrs. Jennings Kirby, Forest Smith and Glen Nippert.

Said motion was unanimously agreed to.

Mr. Morgan moved that the rules be suspended and the privilege of the floor extended to Messrs. Dalton Greenfield and Owen Lowry.

Said motion was unanimously agreed to.

Mr. Burnley moved that the rules be suspended for the purpose of allowing report of Committees.

Said motion was agreed to by a majority of the members elected.

Thereupon the Committees to which the same had previously been referred, reported bills of the following titles, viz.:

By Mr. Burnley of the Committee on Ways and Means.

H. B. No. 399. An Act relating to banks and trust companies acting in fiduciary or similar capacities; amending KRS 287.220.

H. B. No. 300. An Act to abolish discriminatory wage rates in this Commonwealth based on sex, making it unlawful hereafter in this Commonwealth for any employer to employ any female in this Commonwealth at wage rates less than the rates paid by such employer to male employees for work comparable in character to that performed by such female employee or work on comparable operations, and providing for a commissioner of labor with full power and duty to carry out the enforcement thereof.

H. B. No. 370. An Act entitled an act providing a tax on Greyhound racing and providing how said tax shall be levied and collected and providing the means and method of levying and collecting same and providing penalties for the violation thereof; to provide for a Greyhound Racing Commission; to prescribe its powers and duties; to fix its compensation; to provide for holding elections; to provide for licensing such racing and apportioning the moneys derived therefrom; prescribing the hours within which such racing may be conducted; to provide for the selling of combination or French pools within the enclosure of licensed race tracks; to provide penalties for the violation of this act and repealing any laws in conflict therewith.

H. B. No. 406. An Act to promote the safety of employees of and travelers upon railroads by requiring common carriers by railroad to man locomotives, trains, and other self-propelled engines or machines with competent employees.

By Mr. Hulette of the Committee on Cities of the Third class.

H. B. No. 246. An Act relating to the annexation of certain classes of unincorporated territory by certain classes of cities.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of House Bill No. 246 on page 1, line 11, by substituting a comma in place of the period following the word "methods," and adding thereafter the following words:

"except that the provisions of subsection (4) of KRS 242.125 shall not apply to such territory."

By Mr. John C. Watts of the Committee on Kentucky Statutes No. 1.

H. B. No. 382. An Act relating to hotels, inns, tourist courts, rooming houses and other places offering rooms by the day or week, requiring a sign in each and every room so offered for rent, providing a method by which such rates may be raised, and penalties for failing to post such signs, and/or increasing said rates without first giving notice; and providing for an emergency clause.

By Mr. J. Ernest Jones of the Committee on State Parks.

H. B. No. 396. An Act relating to the acquisition of utility services for state park areas.

With the expression of opinion that same should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed on the Calendar.

Mr. Drury moved that the rules be suspended and the House take up for immediate consideration from the Clerk's desk a bill of the following title, viz.:

S. B. No. 36. An Act relating to the practice of accounting, with particular reference to the certification or registration of public accountants.

Said motion was agreed to by a majority of the members elected.

Thereupon the House took up for consideration said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Service by a person in the capacity of Auditor of Income Tax Returns under the Treasury Department of the United States, with a rank not lower than that of agent under a Revenue Agent in Charge, or with a rank not lower than that of United States Deputy Collector who has attained a grade of at least C.A.F. 7, or with a rank equivalent thereto should such ranks be abolished, shall be deemed to be the practice of public accounting within the meaning of KRS 325.260(4) and KRS 325.310(1). Any person who was engaged in such service on June 19, 1946, and who is otherwise qualified under the provisions of KRS 325.310(1), may register as a public accountant, with the State Board of Accountancy, on or before December 31, 1948, and shall thereupon occupy the same status and possess the same rights and privileges as those persons who registered under KRS 325.310 on or prior to July 1, 1946.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	D. W. Howard	Hobart Rayburn
Jason Alford	M. G. Howard	Ottis Roberts
Roy W. Arnold	R. N. Hubbard	Lilburn S. Rogers
Sidney Baer	Ira W. Hulette	Amos Runyan
Levi Baker	Laban P. Jackson	Glenn Rushing
Bernhardt Bauer	Kerby Jennings	Mrs. Rutherford
C. E. Baumgardner	Paul S. Jonas	Dr. K. N. Salyer
Fred Beshear	J. Ernest Jones	LeRoy Saylor
Isaac M. Blevins	L. H. Jones	James J. Shannon
Chas. J. Bronston	Ercel Kozee	Paul E. Shannon
Chas. W. Burnley	W. E. McClure	Jesse H. Shelton
Earl W. Christian	E. H. Martin	Harry Smith
George I. Cline	C. D. Moberly	John M. Spaulding
Robert Collins	Archie R. Moore	Chas. L. Spillman
Everett T. Cooper	Davis Moore	G. W. Steinford
Perry M. Cross	Fred H. Morgan	John M. Stumbo
Horace T. Cull	E. C. Mullins	Albert Thomason
Owen Deering	T. A. Noe, Jr.	G. C. Thornton
G. I. Drury	Joe E. Nunn	Wilford S. Travis
Kermit Dwyer	H. S. Overby	J. B. Veech
Otto W. Goff	H. C. Patterson	W. J. Ward
N. M. Hamilton	H. M. Pewitt	Lawrence Watts
E. R. Hilton	J. H. Polsgrove	Lynn Boyd Wells
C. J. Holsclaw	L. W. Preston	Rodney Whitlow
Richard R. Houpt	E. F. Prichard	Charles W. Wirsch

—75

Resolved that the title thereof be as aforesaid.

Mr. Drury moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in the Senate of the following title, viz.:

S. B. No. 204. An Act relating to pawnbrokers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Sections 226.010 to 226.990, inclusive of the 1946 Edition of the Kentucky Revised Statutes are repealed, and in lieu thereof are enacted the following sections, to read and be numbered as follows:

226.010—DEFINITION—Any person, firm, partnership, association or corporation, now or hereafter engaged in the business of lending money on deposit or pledges of personal property or other valuable thing, other than securities or printed evidences of indebtedness, or in the business of purchasing personal property, or choses in action, or other valuable things, and selling or agreeing to sell the same back to the seller at a price other than the original purchase price, is hereby declared and defined to be a pawnbroker within the meaning of this Act.

226.020—CITY LICENSE AND CITY BOND—Every person to whom a City License is granted to carry on the business of a pawnbroker shall annually enter into a bond to the city, with good and sufficient surety, to be approved by the City Clerk or a similar City official, in the penal sum One Thousand ($1,000.00) Dollars. The bond shall be conditioned that he will observe the provisions of this Act, and the ordinances and laws in force in the city issuing the license which are not inconsistant with any of the provisions hereof.

226.030—STATEMENT OF PLEDGOR—Every person engaging in the pawnbroking business shall give to each pledgor or seller, a statement upon which shall be legibly written in ink, typewritten or printed, the name of the pawnbroker making such loan or purchase, the amount of the loan or purchase price, the date when the loan is made, or the goods sold. Such statement shall also contain a full and accurate description of the articles pledged or sold, including any identifying marks thereon.

226.040—FORMS AND RECORDS TO BE KEPT—Every pawnbroker shall keep and use a register of all loans and purchases of all articles pledged or sold to him. An entry shall be made in said register of each purchase or loan made, a description of the goods, articles or things deposited or sold, the date of the pledge or sale, and the amount of the money loaned thereon or paid therefor, and a short description of the pledgor or seller. Such book or register, at all times, shall be open to the inspection of the Chief of Police of the city in which the pawnbroker is engaged in business, or by a police officer designated by the Chief of Police. Upon reasonable demand of the Chief of Police or the officer designated by him, the pawnbroker shall produce and show the articles, things or goods listed and described in the register which are in his possession.

226.050—DAILY REPORTS TO POLICE DEPARTMENT—All pawnbrokers shall, before twelve o'clock (12:00) noon of every business day, report to the Chief of Police or the head of the Police Department, on forms to be furnished by said Police Department, a description of all articles received by him by pledge or sale on the business day immediately preceding, together with the number of the ticket issued therefor and the amount loaned, advanced, or paid therefor.

226.000—CHARGES—No pawnbroker shall charge, receive or demand an excess of five (5%) per cent per month interest on any loans, or any conditional sales, up to and including the sum of Twenty-five ($25.00) Dollars or in excess of three and one-half (3½) per month on loans or any conditional sales above the sum of Twenty-Five ($25.00) Dollars. In addition to the above rates or interest, the pawnbroker may make a total charge for the storage of pledged articles held as security for a loan, a sum not exceeding twenty-five (25¢) cents per month, or fraction thereof and for the storage of cumbersome articles such as furs, clothing, trunks, motorcycles, etc., held as security for a loan, a sum not exceeding fifty (50¢) cents per month or fraction thereof, to be agreed upon in writing by the pawnbroker and the pledgor at the

time the loan is made; in instances where the pawnbroker is to forward the pledged article by express or parcel post, he shall be allowed an additional charge of twenty-five (25¢) cents to cover packing, etc. Said interest and charges shall be computed on unpaid balances, and shall not be compounded, except that the pawnbroker shall have the further right to charge and collect interest at the specified rate for a full month or months rather than for a fraction or portion thereof. In addition to the interest and charges herein provided, no further or other charge, or amount whatsoever for any examination, service, brokerage, commission or any other thing or otherwise, shall be procured or indirectly charged, contracted for, or received by any pawnbroker.

226.070—REDEMPTION PROCEDURE—If a pledgor or seller shall fail to redeem any goods, articles, or things pledged or sold within four (4) months from the date of the loan or sale, unless such time shall be extended in writing; it shall be the duty of the pawnbroker to notify the pledgor or seller by registered mail, demanding a return receipt therefor, to the last place of address given by said pledgor or seller to the pawnbroker, that unless said pledge or property is redeemed within ten (10) days from the date said notice is mailed, specifying the time and place said sale will take place, it shall be sold at public or private sale, at the option of the pawnbroker and the proceeds applied to the payment of the indebtedness or amount advanced, with all interest and charges therefor. If the pledgor or seller fails to redeem or repurchase said property within the ten (10) day period specified in said notice, the pawnbroker shall proceed to offer said pledge or property at public or private sale to the highest bidder, on the date fixed in said notice, and said pawnbroker may become the purchaser, and from the proceeds of any such sale pay his or its claim including any expense of such sale; any balance shall be held and paid to such pledgor or seller, but if he shall fail to call for and collect said balance within one (1) year from the date of said sale, as above provided, said balance of such proceeds shall become the absolute property of such pawnbroker.

The pledgor or seller at the time of the pledge or sale may agree with the pawnbroker upon the value of the goods, articles or things deposited and waive notice of a sale and agree in writing that upon a failure to redeem the pledge or articles, goods or things deposited or sold within four (4) months from the date of said pledge or sale title shall pass to the pawnbroker, the pledge, loan, debt, or sale price shall be treated as satisfied in full, without any further obligation or liability upon the part of the seller or pledgor and the articles, goods or things so deposited shall thereupon become the absolute property of the pawnbroker without any obligation to sell or dispose of the same or to account to the seller or pledgor of the proceeds of the value thereof.

226.080—WHEN THE PAWNBROKER MAY CHANGE OR ALTER THE PROPERTY DEPOSITED—No pawnbroker shall alter, change, smalt or deface any articles, goods or things pledged with him or purchased by him until the expiration of forty-eight (48) hours after the delivery to the Chief of Police of the statement relating thereto as provided by Section 226.050 of this Act except by the permission of the Police Department.

226.090—POSSESSION OF UNITED STATES PROPERTY TO BE REPORTED TO ADJUTANT GENERAL—All pawnbrokers shall make a report on or before the fifteenth (15) day of each month for the preceeding calendar month, to the Adjutant General of the Commonwealth of Kentucky on such forms as shall be furnished by the Adjutant General, setting forth by item or series number all property of the United States Government, including firearms, optical instruments, musical instruments and any other property whatsoever which may be in the possession of such pawnbroker and which is marked with the words, "Property of the United States Government", or any other language of like import or carries other identifying language which indicates that such property belongs to one of the military branches of the United States Government.

No pawnbroker shall sell or otherwise dispose of such property until after the expiration of at least ten (10) days

from the mailing of said notice to the Adjutant General and should the Adjutant General require additional time in which to investigate the matter he shall give written notice to the pawnbroker directing him to retain possession of such articles for an additional twenty (20) days. If at the expiration of such time the Adjutant General has failed to take appropriate action to reclaim such property then the pawnbroker may deal with it in the same manner as other goods and articles. No pawnbroker shall permit redemption of any ostensible United States Government property until the expiration of the period herein specified.

226.100—PAWNBROKERS NOT TO PURCHASE ARTICLES FROM MINORS OR DURING THE NIGHT—No pawnbroker shall receive any pledge or purchase any articles or things from a minor without the written authorization of at least one of his parents, or from any person who is at the time intoxicated, or from any person who is known by him to be a thief or an associate of a thief, or a receiver or stolen property, or from any person whom he has reason to suspect or believe to be any of the foregoing. No pawnbroker shall receive, by way of pledge or pawn, any article or thing from any person between the hours of 8:00 P. M. and 7:00 A. M.

Any pawnbroker who shall violate any of the provisions of this Act shall be chargeable with a misdemeanor and, upon conviction, shall be subject to a fine in a sum not to exceed $100.00.

Ordered that said bill be printed and referred.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

H. B. No. 96. An Act relating to motor carriers, as defined in KRS Chapter 281; with particular relation to reciprocity agreements with other states and the District of

Columbia concerning taxes upon vehicles operated in interstate commerce.

H. B. No. 312. An Act relating to the State Textbook Commission, its organization and duties.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 204. An Act relating to real estate brokers and salesmen; including provisions regulating the qualifications and examination of applicants for licenses as real estate brokers and salesmen and defining the relationship between real estate brokers and salesmen.

With Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 324.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every application for a license, whether as broker or salesman, shall state whether or not the applicant has ever had any broker's or salesman's license revoked or suspended. It shall be accompanied by the license fee prescribed by KRS 324.070, but if the commission does not issue the license, the fee shall be returned to the applicant. Every applicant for a license shall furnish a sworn statement setting forth his business and residence address.

(2) Every applicant for a broker's license shall apply in writing upon blanks prepared or furnished by the commission. He shall state the name of the person or company with which he will be associated in the business of real estate, and the location of the place for which the license is desired, and shall set forth the period of time, if any, during which he has been engaged in the real estate business.

(3) Every applicant for a salesman's license shall set forth the name and place of business of the company then employing him or into whose service he is about to enter.

(4) Every applicant for a broker's or salesman's license shall pay an examination fee of $10.00 to the commission with his application and shall be required to pass a written examination as to his qualifications to act as a broker or salesman, as the case may be. If the applicant is not admitted to the written examination, the examination fee shall be returned to him. No examination or examination fee shall be required for the renewal of any present or future license.

§ 2. A new section of the statutes is created to be numbered KRS 324.350 and to read as follows:

Nothing in this chapter is intended to require or shall be construed to require the creation of the relationship of employer and employe between a broker and a salesman. Employment by a broker of a salesman as an independent contractor shall be in full compliance with the employment requirements of this chapter relating to salesmen.

§ 3. A new section of the statutes is created, to be numbered KRS 324.061 and to read as follows:

(1) Upon receipt of properly qualified application for a broker's or salesman's license, the commission shall investigate the general reputation, honesty and fitness of the applicant to act as such broker or salesman. Only such applicants for license as are found to be trustworthy and competent to transact the business of real estate broker or salesman in such manner as to safeguard the interests of the public shall be eligible for examination. If the commission finds that the applicant is not a citizen of the United States, or has been convicted of a felony, or for any other reason deemed

sufficient by the commission, it shall deny the application, otherwise the commission shall permit the applicant to take examination for broker's or salesman's license.

(2) The commission shall require each applicant for broker's or salesman's license whom it has admitted to examination to pass an examination in writing establishing, in a manner satisfactory to the commission, that the applicant has a fair knowledge of the English language, including reading, spelling and elementary arithmetic, and a satisfactory understanding of the laws and principles of real estate conveyancing, deeds, mortgages, land contracts, leases, obligations of a broker to the public and his principal, and the provisions of this chapter of Kentucky Statutes relating to real estate brokers and salesmen. The commission, or its authorized representative, shall hold such examinations at the times and places determined by it, notifying all persons whose properly qualified applications are pending, of the time and of such examinations, by registered mail, not less than three days in advance. Each applicant for broker's or salesman's license who has been admitted to take and who has passed the written examination in a manner satisfactory to the commission shall be issued a license as real estate broker or real estate salesman, as the case may be, according to the provisions of this chapter.

Said Committee amendment to said bill is as follows, viz.:

Amend printed copy of H. B. No. 204 on page 2, section 3, line 9 by striking therefrom line 9 to 22, inclusive, and substituting in lieu thereof the following:

"shall be eligible for examination.

(2) The commission shall require each applicant for broker's or salesman's license whom it has admitted for examination to pass an examination in writing to be conducted by said commission, or its authorized representative, which examination shall be of scope and wording sufficient in the judgment of the commission to establish the competency and trustworthiness of the applicant to act as a real estate broker

or salesman in such manner as to protect the interest of the public."

Said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and the same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Richard R. Houpt	Archie R. Moore
Jason Alford	D. W. Howard	Davis Moore
Sidney Baer	M. G. Howard	Walter Moorman
Levi Baker	R. N. Hubbard	Fred H. Morgan
Fred Beshear	Kerby Jennings	E. C. Mullins
Isaac M. Blevins	Paul S. Jonas	T. A. Noe, Jr.
Chas. J. Bronston	J. Ernest Jones	Joe E. Nunn
Chas. W. Burnley	L. H. Jones	H. M. Pewitt
George I. Cline	Ercel Kozee	J. H. Polsgrove
Robert Collins	Harry K. Lowman	Hobart Rayburn
Everett T. Cooper	W. E. McClure	Ottis Roberts
Perry M. Cross	Ed Marcum	Glenn Rushing
G. I. Drury	F. G. Marquette	James J. Shannon
Otto W. Goff	E. H. Martin	Paul E. Shannon
E. R. Hilton	C. D. Moberly	Jesse H. Shelton

Harry Smith	John M. Stumbo	W. J. Ward
John M. Spaulding	Albert Thomason	Lawrence Watts
Chas. L. Spillman	G. C. Thornton	Lynn Boyd Wells
G. W. Steinford	Wilford S. Travis	—56

Those who voted in the negative were—

L. W. Preston	Rodney Whitlow	—2

Resolved that the title thereof be as aforesaid.

Mr. Martin moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 13. An Act relating to marriage and divorce; placing restrictions on the remarriage of divorced male persons.

Mr. Jonas moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 243. An Act relating to labor, prohibiting the discharge of any employee solely or only on the ground of age.

Mr. Jonas moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 211. An Act relating to old age assistance.

Mr. John C. Watts moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 283. An Act relating to game and fish and the Division of Game and Fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The declared purpose of this Act and the policy of the Commonwealth of Kentucky is to protect and conserve the wildlife of this Commonwealth so as to insure a permanent and continued supply of the wildlife resources of this state for the purpose of furnishing sport and recreation for the present and future residents of this state; to promote the general welfare of this Commonwealth; to provide for the prudent taking and disposing of wildlife within reasonable limits based upon the adequacy of the supply thereof; to protect the food supply of this state, and to insure the long-term continuance of an important part of the commerce of this state which depends upon the existence of the wildlife resources. It is the declared purpose of this Act and the policy of this Commonwealth that an adequate and flexible system be installed to accomplish the aforesaid purposes. The provisions of this Act shall be liberally construed to carry out the purposes and intentions of this Act.

Section 2. Section 150.010 of the Kentucky Revised Statutes is amended to read as follows:

"As used in this Chapter, unless the context otherwise requires:

"(1) 'Angling' means taking fish by hook and line in hand, rod in hand, set line or trot line, but does not include the use of grappling hooks, gang hooks, or snag lines, or gigs and nets of any kind.

(2) 'Buy' includes offering to buy, acquiring or possessing through purchase, barter, exchange or trade.

(3) 'Commission' means the Game and Fish Commission.

(4) 'Device' means any article, instrument or equipment of whatever nature or kind which may be used to take wild animals, wild birds or fish.

(5) 'Director' means the Director of the Division of Game and Fish.

(6) 'Division' means the Division of Game and Fish.

(7) 'Impounded waters' means any public waters backed up by a dam constructed and used for hydro-electric purposes or for the purposes of flood control.

(8) 'Minnows' means all fish under six inches in length, except bass (large and small mouth), rock bass, goggle-eye, trout, crappie, jack salmon, walleyed pike or striped bass, sand pike or sauger or muskellunge.

(9) 'Navigable waters' means any waters within this state under lock and dam.

(10) 'Nonresident' is a person who has not resided in this state for one year prior to his application for a license.

(11) 'Public waters' means all waters within the state flowing in a natural channel stream.

(12) 'Raw fur' means a hide, fur or pelt of a fur-bearing animal which has not been processed by an established commerical processor. Skinning, stretching, oiling or coloring by the person who took the animal shall not be considered as processing.

(13) 'Resident' is a person who has resided in this state for one year prior to his application for a license.

(14) 'Sell' includes offering to sell, having or possessing for sale, barter, exchange or trade.

(15) 'Take' includes pursue, shoot, hunt, wound, kill, trap or capture in any way; and any lesser act such as to lure, attract or entice for such purposes; to place, set, aim or use any device, animal, substance or agency which reasonably may be expected to accomplish such acts; and every attempt to do such acts or to assist any person in doing or attempting to do such acts.
do such acts.

(16) 'Transport' includes offering or receiving for transportation.

(17) 'Wild bird' and 'wild animal' includes such wild bird or wild animal or any part thereof.

(18) 'Wildlife' means any wild bird, wild animal, fish, amphibian or aquatic life protected by this Chapter.

(19) 'Regulation' means a written regulation adopted by the director with the approval of the commission.

(20) 'Prescribed by the division' means established by a regulation or regulations."

Section 3. Section 150.021 of the Kentucky Revised Statutes is amended to read as follows:

"There is created an agency of the State Government to be known as the Division of Game and Fish, which shall constitute an independent agency of the State Government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The division shall consist of a Game and Fish Commission, a director, and such conservation officers and other agents and employes as are provided for in this Chapter. The division shall enforce the laws and regulations adopted under this Act relating to wildlife and exercise all necessary powers incident thereto."

Section 4. (1) If the director, with the concurrence of the commission, after giving due regard to the public recreation and sport afforded thereby, the economic value and breeding habits of any species, class, type or breed of wildlife, whether native or imported, finds that the supply thereof has become unduly depleted or finds, because of adverse weather conditions, floods, disease, fire, inadequate food supply, breeding conditions, lack of cover, unequal distribution, ex-

cessive destruction, or wide-spread violation of the game and fish laws or for other reasons, that there is serious danger that the continued supply thereof may be depleted, the division shall adopt such regulations as may be necessary and proper to restore the supply or to prevent the undue depletion thereof. Such regulations may be made to apply to a limited area or to the entire state.

(2) In carrying out the provisions of this section the division, by regulation, may:

(a) Fix, close, terminate, shorten or divide open seasons, or make open seasons conditional;

(b) Regulate bag or creel limits and possession limits;

(c) Regulate buying, selling or transporting;

(d) Regulate the size or type of any device used for taking, and regulate any method of taking;

(e) Regulate or restrict the places where taking is permitted;

(f) Regulate taking, or the opening or closing of seasons in waters in which the division is conducting experiments or making improvements for the purpose of promoting the conservation of wildlife or increasing the supply thereof;

(g) Make any other regulations reasonably necessary to implement or carry out the purposes of this Act.

(3) Regulations adopted under this Act shall be subject to the provisions of KRS 13.020, but no regulation adopted under this Act, except in cases where an emergency is declared under subsection (4), shall become effective until sixty days after it has been filed with the Secretary of State. When any regulation, which applies to the entire state, is adopted under this Act, the director immediately shall cause a copy thereof to be published once in two different newspapers having a general circulation in this state. When any regulation, which applies to a limited area, is adopted under this Act, the director immediately shall cause a copy thereof to be published once in at least one newspaper of general circulation in each county in which a part of the area is located. The director also shall file two copies thereof with the county court clerk of each county in which the regulation is applicable, one copy

of which shall be posted on the courthouse door or bulletin board. As soon as is practicable, and within the budgetary limits of the division, the director shall furnish additional copies of any regulation adopted by the division to the county court clerk of each county in which the regulation is applicable for distribution to sportsmen and other persons; and the director shall furnish copies to any person or organization requesting same. Except as provided in subsection (5), each regulation adopted hereunder shall remain in effect until rescinded, unless the regulation provides otherwise.

(4) If the director, with the concurrence of the commission, finds that an emergency exists, a regulation may be made to become effective five days after it has been filed in the office of the Secretary of State. In such cases, the regulation shall state the circumstances constituting the emergency. Such emergency regulation shall not remain in effect for a period longer than sixty days unless renewed, and each renewal thereof shall be limited to a period of sixty days. Renewals shall be made in the same manner as the original regulation.

(5) The date on which any regulation may become effective shall be determined only from the date on which it is filed with the Secretary of State.

(6) The fact that any person has not received actual notice of the contents or of the adoption of a regulation under this Act shall not excuse any violation of the provisions of the regulation and shall not be a defense to a prosecution for a violation thereof.

Section 5. Subsections (1), (2) and (5) of section 150.120 of the Kentucky Revised Statutes are amended to read as follows:

"(1) The director, all conservation officers, persons appointed by the director, and all peace officers and their deputies shall seize and take possession of any and all furs, fish, wild animals, wild birds, guns, dogs, instruments, boats, or devices which have been taken, used, transported or possessed contrary to any law or regulation adopted under this Chapter. Upon complaint showing probable cause for believing that

any of the wild animals or wild birds protected by any law or regulation are illegally kept in any building, car or receptacle, any court having jurisdiction may issue a search warrant and cause it to be searched. Any wild birds, wild animals, fish, articles, instruments or devices seized in accordance with this section shall be impounded by the arresting officer and shall be taken before the court trying the person arrested."

"(2) Upon conviction the court or the jury trying the case shall, except as provided in subsection (4), have the discretion of determining whether or not the things seized shall be declared contraband. Any animal, bird or fish taken, and any device used or possessed contrary to the provisions of this Chapter, or any regulations adopted hereunder, is subject to being declared contraband. When an item is declared contraband, the court shall enter an order accordingly. A copy of the order shall be sent to the director and the contraband shall be placed in the custody of the arresting officer, to be delivered to the director."

"(5) No person shall have in his possession while taking any wild birds, wild animals or fish any illegal device or other thing prohibited by law or by any regulation adopted under this Chapter for the taking of wild birds, wild animals or fish."

Section 6. Section 150.130 of the Kentucky Revised Statutes is amended to read as follows:

"County attorneys and Commonwealth's attorneys shall enforce the provisions of this Chapter and regulations adopted hereunder."

Section 7. Subsection (1) of section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Except as provided in subsections (2), (3), (4), (5) and (6) of this section and subject to regulations adopted under this Chapter, no person shall do any act authorized by any kind of license or permit provided for in this Chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this Chapter to prohibit the taking or pursuing of any

wildlife or wild animals protected or unprotected, or the angling in any stream or body of water, whether public or private, without the securing of the license provided for herein, except as provided in this section."

Section 8. Section 150.175 of the Kentucky Revised Statutes is amended to read as follows:

"The kinds of licenses and tags authorized by this Chapter, and the acts authorized by such licenses and tags subject to the other provisions of this Chapter and subject to regulations adopted under this Chapter, are as follows:

"(1) A fishing license, which authorizes the holder thereof to take fish by angling from any of the waters of this state, including the Ohio River; and to take minnows by use of a minnow seine; and to take frogs.

"(2) A three-day fishing license, which may be issued only to a non-resident and which authorizes the holder thereof to take fish by angling from any of the waters of this state, including the Ohio River, for a period of three consecutive days, beginning as of a day which shall be stated in the license by the county clerk when issued.

"(3) A commercial fishing license, which authorizes the holder thereof to perform any act authorized by a fishing license and to take fish from the navigable streams of the state, but not above the last lock and dam up the stream, by the use of seines, hoop nets, or snag lines, provided that he has obtained a tag for each seine, hoop net and snag line. Such license shall also authorize the holder thereof to sell fish, other than those protected by this Chapter, either at wholesale or retail.

"(4) A wholesale fish dealer's license, which authorizes the holder thereof to sell to dealers or retailers for the purpose of resale, any kind of fresh or salt water fish not protected by this Chapter, and imported walleyed pike or sauger. This is not intended to require a license for the sale of canned, smoked, pickled or dried fish.

"(5) An Ohio River fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which

authorizes the holder thereof to take fish from the Ohio River by angling only.

"(6) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under a commercial fishing license, as defined in subsection (3) of this section, provided that he has obtained a tag for each seine, hoop net and snag line.

"(7) A seine tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hundred feet of seine or part thereof. A separate tag is required for each one hundred feet of seine or part thereof.

"(8) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag is required for each hoop net.

"(9) A snag line tag, which may be issued only to the holder of a commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one snag line. A separate tag is required for each snag line.

"(10) A live bait dealer's license, which may be issued only to a resident of this state and which authorizes the holder thereof to sell live bait to be used in angling.

"(11) A musseling license, which authorizes the holder thereof to take mussels for commercial purposes from any shell bed.

"(12) A state-wide hunting license, which authorizes the holder thereof to take or pursue wild animals, in any county of this state, with bow and arrow, gun, gun and dog, or dog; and to take wild birds with bow and arrow, or with gun;

and to participate in a fox hunting party engaged in hunting or pursuing red fox with dogs for sport; and to take frogs.

"(13) A county hunting license, which may be issued only to a resident of this state, and which authorizes the holder thereof to exercise, only in the county for which the license is issued, the privileges authorized by a state-wide license.

"(14) A trapping license, which authorizes the holder thereof to take wild animals by trapping, upon his own lands or upon the lands of another person (after having obtained a written consent as provided in KRS 150.400 and 150.410).

"(15) A taxidermist license, which authorizes the holder thereof to engage in the business of preparing, stuffing and mounting, in life-like form, the skins of wild animals.

"(16) A commercial guide's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to receive payment or remuneration of any kind for services rendered as a guide for angling or hunting parties.

"(17) A rabbit retail dealer's license, which may be issued only to a person operating a store or other commercial establishment, and which authorizes the holder thereof to handle any number of rabbits from 26 to 100 in any one day, for retail sale.

"(18) A rabbit wholesale dealer's license, which may be issued only to a person operating a store or other commercial establishment, and which authorizes the holder thereof to handle any number of rabbits from 26 to 500 in any day for wholesale or retail sale.

"(19) A fur buyer's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from trappers and to sell raw furs so purchased to a licensed fur processor.

"(20) A fur processor's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from a licensed fur buyer, for the purpose of processing, manufacture or holding in cold storage for resale to another licensed fur processor, to process

or manufacture such raw furs, or to hold them in cold storage, to sell such raw furs to or buy the same from other fur processors licensed in this state, to sell raw furs to a licensed nonresident fur buyer, or to buy raw furs from a nonresident fur processor licensed in the state of his residence to deal in raw furs.

"(21) A nonresident fur buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this state."

Section 9. Subsections (1), (4) and (5) of Section 150.-180 of the Kentucky Revised Statutes are amended to read as follows:

"(1) Except as otherwise provided in this section or elsewhere in this Chapter, and subject to regulations adopted under this Chapter, no person for himself or as agent or employee of another, shall sell or buy, or transport or direct to be transported, any wild animal, wild bird, or fish protected by this Chapter, or any raw fur."

"(4) Subject to regulations adopted under this Chapter, any person authorized by subsection (3) of this section to sell or buy raw furs may transport, between any points within this state, any such furs legally in his possession. No person may transport or ship raw furs from this state to a point outside this state unless he holds a nonresident fur buyer's license, except that an individual who has lawfully taken a fur bearing animal in this state or who has legally purchased the pelts of fur bearing animals may ship the pelts thereof, at any time during the period such pelts may be in his legal possession in this state, to a nonresident fur processor who is licensed in the state of his residence to deal in raw furs, or to a nonresident taxidermist for the purpose of mounting."

"(5) Subject to regulations adopted under this Chapter, a person who has been issued a license under this Chapter and who has the license on his person may transport anywhere as part of his personal baggage any wild animals, wild birds, or fish, legally taken by him under such license, not in excess of

the number that the law or regulations permit him to have in possession at any one time."

Section 10. Subsection (3) of section 150.190 of the Kentucky Revised Statutes is amended to read as follows:

"(3) Ohio River fishing licenses and Ohio River commercial fishing licenses and seine, hoop net and snag line tags for holders of Ohio River commercial fishing licenses, shall be issued by the division directly, or through any person, resident or nonresident, designated by the director as agent for the purpose."

Section 11. Sub-paragraphs (c), (e), (h) and (i) and the introductory clause of subsection (2) of section 150.220 of the Kentucky Revised Statutes are amended to read as follows:

"The fees for the licenses provided for in KRS 150.175 shall be as follows:"

"(c)	Commercial fishing license	
	Resident	5.00
	Nonresident	25.00"
"(e)	Ohio River commercial fishing license	5.00"
"(h)	Hoop net tag	
	Resident	1.00
	Nonresident holder of Ohio River commercial fishing license	1.00
	Other nonresidents	2.00"
"(i)	Snag line tag	
	Resident	1.00
	Nonresident holder of Ohio River commercial fishing license	1.00
	Other nonresidents	2.00"

Section 12. Subsection (1) of section 150.230 of the Kentucky Revised Statutes is amended to read as follows:

"(1) The county clerk or any agent designated by the division under the provisions of subsection (3) of KRS 150.-190 shall retain as his fee, out of the money received by him for license and tags, the following fees:

(a) For each license or tag for which the fee is $1.00, a fee of 15c.

(b) For each license or tag for which the fee is from $2.00 to $5.00, a fee of $25¢.

(c) All license fees above $5.00, a fee of 50¢."

Section 13. Kentucky assents to any law which may be enacted by the Congress of the United States for the purpose of encouraging states to cooperate with the Federal Government in fish restoration and management projects. The Division of Game and Fish shall perform such acts as may be necessary to conduct the establishment of fish restoration and management projects in compliance with any such act of Congress and the rules and regulations promulgated by the federal agency having the authority to execute such act. No funds accruing to the state from license fees paid by fishermen shall be diverted for any purpose other than the administration of the Division of Game and Fish.

Section 14. Section 150.280 of the Kentucky Revised Statutes is amended to read as follows:

"The director may issue permits to propagate fish, frogs, fur-bearing animals and other game, and he shall make and publish regulations governing such industry. The application for a breeder's permit shall be in writing addressed to the director, be signed by the applicant, describe the land or waters owned or leased by the breeder to be used for breeding purposes and contain other facts required by the director. When it appears that the application is made in good faith, the director may issue a permit, which shall continue in force for one year, upon the payment of a fee of two dollars and fees for tagging which shall be fixed by the director. A fish and game club which enters into an agreement with the division to operate such a farm, in cooperation with the division, for the purpose of carrying out the division's program may, with the approval of the director, be issued a permit without the payment of any fee."

Section 15. Subsection (1) of section 150.305 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Subject to regulations adopted under this Chapter and except as otherwise provided in this section, no person

shall have in his possession any wild bird, wild animal or fish protected by this Chapter, or any raw fur, except during the open season for the particular species."

Section 16. Subsection (1) of section 150.320 of the Kentucky Revised Statutes is amended to read as follows:

"(1) No person shall take any wild bird except game birds for which there is an open season, either by the laws of Kentucky and regulations of the division or the laws of the United States and except those birds mentioned in subsection (2)."

Section 17. Subsection (1) of section 150.330 of the Kentucky Revised Statutes is amended to read as follows:

"(1) No person shall take any wild birds except during the open season prescribed by the division for the particular species. The open season for quail may be between November 1 and February 1 only, but shall not exceed a total of sixty days, consecutive or otherwise. The open season for ruffed grouse or native pheasant may be between November 20 and December 20 only, but shall not exceed a total of twenty-five days, consecutive or otherwise. There shall be no open season on wild turkey. No person shall take quail, ruffed grouse or native pheasant except from sunrise to sunset."

Section 18. Section 150.340 of the Kentucky Revised Statutes is amended to read as follows:

"No person shall take more wild birds in any one day than the bag limit prescribed for the species, but the division shall not prescribe bag limits in excess of the following:

Species	*Limit*
Quail	10
Ruffed grouse or native pheasant	2
Doves	Federal regulations apply
Ducks	Federal regulations apply
Geese	Federal regulations apply
Coots and Gallinule	Federal regulations apply
Woodcock	Federal regulations apply
Snipe	Federal regulations apply

No person shall have in his possession at any time, any number of quail, ruffed grouse or native pheasant in excess of the bag limit as prescribed by the division for the particular species, except that a person who has hunted two or more days in succession may have in his possession a total of not more than twice the bag limit for any one day for such birds, and a person may have in his possession, in a cold storage locker, as provided in KRS 150.305, a number not exceeding two days' bag limit after the first day of the hunting season; provided, however, that no person shall take more than ten ruffed grouse or native pheasant during any open season for the same."

Section 19. Subsections (1) and (3) of section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

"(1) No person shall take any wild animal protected by this Chapter during the open season for the particular species as prescribed by the division. The open season for rabbits may be between November 1 and February 1 only, but shall not exceed a total of 60 days, consecutive or otherwise. The open season for mink, opossum, raccoon, skunk, muskrat and red fox may be between November 1 and February 15 only, but shall not exceed a total of sixty days, consecutive or otherwise, except that the division may allow an additional 30 days in which opossum and raccoon may be hunted and taken by dog only. The open season for squirrel may be between August 1 and January 1 only, but shall not exceed a total of ninety days, consecutive or otherwise. The open season for pond, bull or jumbo frogs shall be such period as the division may prescribe. There shall be no open season for otter or beaver."

"(3) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open, shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper during the open season as prescribed by the division and 15 days thereafter, or by a fur buyer during the open season and 20 days thereafter."

Section 20. The introductory clause and subsection (1) of section 150.380 of the Kentucky Revised Statutes is amended to read as follows:

"No person shall take more squirrel, rabbits or pond, bull or jumbo frogs in any one day than the bag limit prescribed by the Division, but the division shall not prescribe a bag limit in excess of the following:

Squirrel	6
Rabbits	8
Pond, bull or jumbo frogs	15

No person shall have in his possession at any time more than the number prescribed by the division except as follows:

(1) A person who has hunted 2 or more days in succession may have in his possession a total of not more than twice the number allowed by the division to be taken in any one day."

Section 21. Subsection (2) of section 150.440 is hereby repealed.

Section 22. Subsection (1) of section 150.445 is hereby repealed.

Section 23. Subsections (1) and (2) of section 150.470 of the Kentucky Revised Statutes is amended to read as follows:

"(1) No person shall take or have in his possession in any one day more fish than the creel limit prescribed for the species. The division shall not prescribe creel limits in excess of the following:

Species	*Creel Limits*
Black bass	10
Rock bass or goggle-eye	15
Crappie	15
Jack salmon or walleyed pike	10
Sand pike or sauger	10
Striped bass	15

Provided, however, that any person having fished two or more days in succession may have in possession a total of not more

than twice the number of any species as allowed by the division to be taken out in any one day."

"(2) No person shall take or have in his possession any fish smaller than the size limit prescribed for the species. The division shall not prescribe a size limit smaller than the following:

Species	*Minimum Length in Inches*
Black bass (large mouth, small mouth or Kentucky)	10
Jack salmon or walleyed pike	13
Sand pike or sauger	10
Muskellunge	24"

Section 24. Subsections (1) and (3) of section 150.990 of the Kentucky Revised Statutes are amended to read as follows:

"(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this Chapter or regulations adopted hereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense."

"(3) Any person who violates any of the provisions of subsection (3) of KRS 150.090, subsection (2) of KRS 150.-180, KRS 150.300, or 150.330, or 150.485, shall be fined not less than twenty-five dollars nor more than two hundred dollars or imprisoned for not more than six months, or both."

Section 25. Any person who violates any provision of KRS 150.390 shall be fined not less than $100.00.

Section 26. Any person who violates any regulation which is adopted under any provision of this Chapter or which is adopted to supplement, explain, carry out or limit any provision of this Chapter, shall be subject to the same penalty as is provided for the violation of the provision of this Chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

Section 27. The provision of section 11 of this act shall become effective midnight December 31, 1948.

Mr. Morgan offered the following amendments to said bill, viz.:

Amendment No. 1. Amend printed copy of House Bill No. 283, on page 18, following Section 27, by inserting the following additional section:

"Sec. 28. It is the intention of the General Assembly, in amending Section 150.175 of the Kentucky Revised Statutes, to amend that section only to the extent that the language of the section as so amended differs from the language of said section as it appears in the 1946 edition of the Kentucky Revised Statutes; and in setting said section forth at length as amended, as required by Section 51 of the Constitution, it is not the legislative intent to supersede, impliedly repeal or in any way create a conflict with any other Act enacted at the present session of the General Assembly which may also amend and set forth at length said Section 150.175."

Amendment No. 2. Amend printed copy of House Bill No. 283 on page 15, section 19, line 4, by inserting, immediately after the syllable "ter" and immediately before the word during, the word "except."

Said amendments to said bill were each and severally agreed to.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Kerby Jennings	Ottis Roberts
Jason Alford	Paul S. Jonas	Lilburn S. Rogers
Sidney Baer	J. Ernest Jones	Amos Runyan
Bernhardt Bauer	L. H. Jones	Glenn Rushing
Fred Beshear	Ercel Kozee	Mrs. Rutherford
Isaac M. Blevins	Harry K. Lowman	Dr. K. N. Salyer
Chas. J. Bronston	W. E. McClure	LeRoy Saylor
Chas. W. Burnley	F. G. Marquette	Paul E. Shannon
Perry M. Cross	E. H. Martin	Jesse H. Shelton
Horace T. Cull	C. D. Moberly	John M. Spaulding
Owen Deering	Archie R. Moore	Chas. L. Spillman
G. I. Drury	Walter Moorman	G. W. Steinford
Kermit Dwyer	Fred H. Morgan	John M. Stumbo
Otto W. Goff	E. C. Mullins	Albert Thomason
N. M. Hamilton	T. A. Noe, Jr.	Wilford S. Travis
E. R. Hilton	Joe E. Nunn	J. B. Veech
C. J. Holsclaw	H. C. Patterson	John C. Watts
Richard R. Houpt	H. M. Pewitt	Lawrence Watts
D. W. Howard	J. H. Polsgrove	Lynn Boyd Wells
M. G. Howard	L. W. Preston	Rodney Whitlow
R. N. Hubbard	E. F. Prichard	G. F. Williamson
Ira W. Hulette	Hobart Rayburn	Charles W. Wirsch
Laban P. Jackson		—67

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Travis moved that the rules be suspended for the purpose of introducing a resolution.

Said motion was agreed to by majority of the members elected.

Thereupon a resolution of the following title was introduced, viz.:

By Mr. Travis.

H. Res. No. 56. A Joint Resolution authorizing Eva Emerine, and Roy Emerine, individually and as parent and next friend of Marline Emerine and Royalyn Emerine, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

Said resolution is as follows, viz.:

Whereas, on November 7, 1946, Eva Emerine, Roy Emerine, Marline Emerine and Royalyn Emerine, while riding in an automobile upon State Highways Nos. 60 and 68, near Paducah, Kentucky, were involved in an accident which is alleged to have been due to the negligence of the Department of Highways of Kentucky in the maintenance of highway; and

Whereas, as a result of such accident they each received personal injuries;

Now, Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Eva Emerine, and Roy Emerine, individually and as parent and next friend of Marline Emerine and Royalyn Emerine, all of Marshall County, Kentucky, are authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, in the Marshall Circuit Court, for damages for personal injuries alleged to have been

sustained because of negligence on the part of the Department of Highways in maintaining a State highway.

The suit hereby authorized shall be for amounts not in excess of the following:

Eva Emerine	$2500
Roy Emerine, individually	2500
Roy Emerine, as parent and next friend of Marline Emerine	5000
Roy Emerine, as parent and next friend of Royalyn Emerine	2500

The Attorney General may investigate the claims herein and may settle any of said claims before or after suit is filed, if he deems it advisable. Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suits are filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be printed and referred.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 282. An Act to prohibit the sale, purchase, barter, exchange or trade of wild rabbits; to prohibit the possession of wild rabbits for sale, barter, exchange or trade and to prohibit an attempt to sell, purchase, barter, exchange or trade wild rabbits.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this act unless the context requires otherwise:

(1) "Buy" and "sell" have the meaning given to them in KRS 150.010.

(2) "Rabbit" means, any wild rabbit (including cottontail, jack-rabbit, and swamp rabbit), whether alive or dead or any part thereof whether taken within or without the state.

Section 2. No person shall buy or sell or attempt to buy or sell a rabbit.

Section 3. Subsections (17) and (18) of section 150.175 of the Kentucky Revised Statutes are hereby repealed.

Section 4. Subsection (2) of section 150.180 of the Kentucky Revised Statutes is amended to read as follows:

"Mussels and fish, other than black bass (large mouth or small mouth), crappie, jack salmon, or wall-eyed pike or striped bass, sand pike or sauger and muskellunge may be bought and sold, and transported, if in legal possession."

Section 5. Subparagraphs (q) and (r) of subsection (2) of section 150.220 of the Kentucky Revised Statutes are hereby repealed.

Section 6. Subsections (1) and (2) of section 150.235 of the Kentucky Revised Statutes are amended to read as follows:

"(1) No person shall do any act authorized by any kind of license provided for in this Chapter unless at the time thereof he has the license provided therefor on his person, except that in the case of a wholesale fish dealer's license, and a fur processor's license, it shall be sufficient if the license is posted on the licensed premises."

"(2) No license authorized by this Chapter, except a wholesale fish dealer's license, and a fur processor's license, may be issued except to an individual, and no more than one such license may be issued to any individual in any calendar year. A wholesale fish dealer's license, and a fur processor's license, may be issued to an individual or to a partnership, firm or corporation and as many such licenses may be issued

to any individual, partnership, firm or corporation, as may be required for the various premises upon which the licensed business is to be carried on. In the case of a fur processor's license, no employe or agent of the person, firm partnership, or corporation in whose name the license was issued shall exercise any privilege authorized by the license at any place other than the licensed premises, unless he has on his person an agent's license card issued by the director. For the purpose of securing such agent's cards, the holder of the license shall file with the division an application form, giving the name and a general description of each agent or employe who will engage in the transactions authorized by the license. There shall be no fee for the issuance of such agent's cards. The director with the approval of the commission shall have authority to restrict and limit the number of such cards that will be issued, and to prescribe the terms and conditions under which a card may be issued and used, and may revoke any such cards whenever it appears to the director that the holder thereof is not complying in all respects with the purpose and intent of this Chapter."

Section 7. Subsections (3) and (4) of section 150.380 of the Kentucky Revised Statutes are hereby repealed.

Section 8. Any person who violates the provisions of section 1 of this act shall be fined not less than fifteen dollars nor more than one hundred dollars.

Section 9. The provisions of this act shall become effective midnight December 31, 1948.

Mr. Morgan offered the following amendments to said bill, viz.:

Amendment No. 1. Amend printed copy of House Bill No. 282, on page 3, following Section 8, by inserting the following additional section:

"Section 9. It is the intention of the General Assembly, in amending Section 150.175 of the Kentucky Revised Statutes, to amend that section only to the extent that the language

of the section as so amended differs from the language of said section as it appears in the 1946 edition of the Kentucky Revised Statutes; and in setting said section forth at length as amended, as required by Section 51 of the Constitution, it is not the legislative intent to supersede, impliedly repeal or in any way create a conflict with any other Act enacted at the present session of the General Assembly which may also amend and set forth at length said Section 150.175.

Amendment No. 2. Amend printed copy of H. B. 282, on page 3, section 8, line 1, by striking the words "section 1" and inserting in lieu thereof "section 2."

Said amendments to said bill were each and severally agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	Chas. W. Burnley
Sidney Baer	Isaac M. Blevins	George I. Cline
Levi Baker	Chas. J. Bronston	Robert Collins

Perry M. Cross	Ira W. Hulette	T. A. Noe, Jr.
G. I. Drury	Kerby Jennings	H. M. Pewitt
Kermit Dwyer	Paul S. Jonas	J. H. Polsgrove
Otto W. Goff	J. Ernest Jones	E. F. Prichard
N. M. Hamilton	L. H. Jones	Hobart Rayburn
E. R. Hilton	Ercel Kozee	Paul E. Shannon
C. J. Holsclaw	Ed Marcum	Jesse H. Shelton
Richard R. Houpt	Archie R. Moore	Albert Thomason
D. W. Howard	Davis Moore	Wilford S. Travis
M. G. Howard	Walter Moorman	John C. Watts
R. N. Hubbard	Fred H. Morgan	Charles W. Wirsch

—42

Those who voted in the negative were—

Jason Alford	H. C. Patterson	James J. Shannon
Bernhardt Bauer	L. W. Preston	Harry Smith
Owen Deering	Ottis Roberts	John M. Spaulding
W. E. McClure	Amos Runyan	G. C. Thornton
F. G. Marquette	Mrs. Rutherford	Lynn Boyd Wells
E. C. Mullins	Dr. K. N. Salyer	Rodney Whitlow
Joe E. Nunn		

—19

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 160. An Act relating to game and fish, amending Section 150.445 of the Kentucky Revised Statutes.

With Committee amendment thereto by way of substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 150.445 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take fish by the use of a trotline, hand line, set line, throw line, or snag line that is longer than the width of the stream in which it is used at the point where such line is used.

(2) No person shall, within two miles of any dam on the Tennessee River in Kentucky, or within two hundred yards of any other lock and dam on a navigable stream, take fish other than by pole and line in hand, or place or use any trot line, hand line, set line, throw line or snag line.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act relating to game and fish; amending KRS 150.445 and subsection (2) of KRS 150.450.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 150.445 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take fish by the use of a trot line, hand line, set line, throw line, or snag line that is longer than the width of the stream in which it is used at the point where such line is used.

(2) No person shall, within seven hundred yards of the Kentucky Dam on the Tennessee River at Gilbertsville, unless a shorter distance is prescribed by the division, nor within two hundred yards of any other lock and dam on a navigable stream, take fish other than by pole and line in hand, or place or use any trot line, hand line, set line, throw line, or snag line.

§ 2. Subsection (2) of 150.450 of the Kentucky Revised Statutes is amended to read as follows:

(2) Any person may take by the use of licensed seines, the mesh of which is not less than two inches square, or by the use of licensed hoop nets without wings, or with wings in the Mississippi River only, any fish from the navigable streams of this state. But no person shall take any fish by seines or nets or place any seine or nets in any of these streams within two hundred yards of the mouth of any stream entering into those waters, nor within two hundred yards of the mouth of any navigable stream within the state, nor nearer than seven hundred yards below Kentucky Dam on the Tennessee River at Gilbertsville, unless the division prescribes a lesser limit with respect to such dam, nor within two hundred yards of any other lock or dam located on a navigable stream, or above the last lock or dam in any navigable stream. Any fish protected by this Chapter caught in seines or nets shall immediately be returned without injury to the waters from which taken.

Said Committee amendment to said bill by way of substitute therefor was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Laban P. Jackson	Lilburn S. Rogers
Jason Alford	Paul S. Jonas	Amos Runyan
Sidney Baer	L. H. Jones	Glenn Rushing
Levi Baker	Ercel Kozee	Mrs. Rutherford
Bernhardt Bauer	W. E. McClure	Dr. K. N. Salyer
Fred Beshear	Ed Marcum	LeRoy Saylor
Isaac M. Blevins	E. H. Martin	James J. Shannon
Chas. J. Bronston	C. D. Moberly	Paul E. Shannon
Chas. W. Burnley	Archie R. Moore	Jesse H. Shelton
Robert Collins	Davis Moore	Harry Smith
Everett T. Cooper	Walter Moorman	John M. Spaulding
Horace T. Cull	Fred H. Morgan	Chas. L. Spillman
Owen Deering	E. C. Mullins	G. W. Steinford
Otto W. Goff	T. A. Noe, Jr.	Albert Thomason
N. M. Hamilton	Joe E. Nunn	Wilford S. Travis
C. J. Holsclaw	H. C. Patterson	John C. Watts
Richard R. Houpt	H. M. Pewitt	Lawrence Watts
D. W. Howard	L. W. Preston	Lynn Boyd Wells
M. G. Howard	E. F. Prichard	Rodney Whitlow
R. N. Hubbard	Ottis Roberts	G. F. Williamson
Ira W. Hulette		—61

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 281. An Act relating to game and fish particularly to fishing licenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.175 of the Kentucky Revised Statutes is amended to read as follows:

"The kinds of licenses and tags authorized by this Chapter and the acts authorized by such licenses and tags subject to the other provisions of this Chapter and subject to regulations adopted under this Chapter, are as follows:

(1) (a) A statewide fishing license which authorize the holder thereof to take fish by angling, to take minnows by use of a minnow seine, and to take frogs, from any waters open for such purposes in any county of this state.

(b) A county fishing license, which may be issued only to a resident of this state, which authorizes the holder thereof to take fish by angling, to take minnows by use of a minnow seine, and to take frogs from any waters open for such purposes, in the county only for which the license is issued.

(2) A three day fishing license, which may be issued only to a non-resident and which authorizes the holder thereof to take fish by angling from any of the waters of this state, including the Ohio River, for a period of three consecutive days, beginning as of a day which shall be stated in the license by the county clerk when issued.

(3) A commercial fishing license, which authorizes the holder thereof to perform any act authorized by a fishing license and to take fish from the navigable streams of the state, but not above the last lock and dam up the stream, by the use of seines, hoop nets, or snag lines, provided that he has obtained a tag for each seine, hoop net and snag line. Such license shall also authorize the holder thereof to sell fish, other than those protected by this Chapter, either at wholesale or retail.

(4) A wholesale fish dealer's license, which authorizes the holder thereof to sell to dealers or retailers for the purpose of re-sale, any kind of fresh or salt water fish not protected by this Chapter, and imported wall-eyed pike or sauger. This is not intended to require a license for the sale of canned, smoked, pickled or dried fish.

(5) An Ohio River fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which au-

thorizes the holder thereof to take fish from the Ohio River by angling only.

(6) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under a commercial fishing license, as defined in subsection (3) of this section, provided that he has obtained a tag for each seine, hoop net and snag line.

(7) A seine tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hundred feet of seine or part thereof. A separate tag is required for each one hundred feet of seine or part thereof.

(8) A hoop net tag, which may be issued only to a person holding a commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag is required for each hoop net.

(9) A snag line tag, which may be issued only to the holder of a commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one snag line. A separate tag is required for each snag line.

(10) A live bait dealer's license, which may be issued only to a resident of this state and which authorizes the holder thereof to sell live bait to be used in angling.

(11) A musseling license, which authorizes the holder thereof to take mussels for commercial purposes from any shell bed.

(12) A state-wide hunting license, which authorizes the holder thereof to take or pursue wild animals, in any county

of this state, with bow and arrow, gun, gun and dog, or dog; and to take wild birds with bow and arrow, or with gun; and to participate in a fox hunting party engaged in hunting or pursuing red fox with dogs for sport; and to take frogs.

(13) A county hunting license, which may be issued only to a resident of this state and which authorizes the holder thereof to exercise only in the county for which the license is issued, the privileges authorized in a state-wide hunting license.

(14) A trapping license, which authorizes the holder thereof to take wild animals by trapping, upon his own lands or upon the lands of another person (after having obtained a written consent as provided in KRS 150.400 and 150.410).

(15) A taxidermist license, which authorizes the holder thereof to engage in the business of preparing, stuffing and mounting, in life-like form, the skins of wild animals.

(16) A commercial guide's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to receive payment or remuneration of any kind for services rendered as a guide for angling or hunting parties.

(17) A rabbit retail dealer's license, which may be issued only to a person operating a store or other commercial establishment, and which authorizes the holder thereof to handle any number of rabbits from 26 to 100 in any day, for retail sale.

(18) A rabbit wholesale dealer's license, which may be issued only to a person operating a store or other commercial establishment, and which authorizes the holder thereof to handle any number of rabbits from 26 to 500 in any day for wholesale or retail sale.

(19) A fur buyer's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from trappers and to sell raw furs so purchased to a licensed fur processor.

(20) A fur processor's license, which may be issued only to a resident of this state, and which authorizes the

holder thereof to buy raw furs from a licensed fur buyer, for the purpose of processing, manufacturing or holding in cold storage for resale to another licensed fur processor, to process or manufacture such raw furs, to hold them in cold storage, to sell such raw furs to or buy the same from other fur processors licensed in this state, to sell raw furs to a licensed non-resident fur buyer, or to buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs.

(21) A non-resident fur buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this state.

Section 2. Subparagraphs (a) and (d) and the introductory clause of subsection (2) of section 150.220 of the Kentucky Revised Statutes are amended to read as follows:

"(2) The fees for the licenses provided for in KRS 150.175 shall be as follows:

(a) Fishing licenses
State-wide fishing license (resident) $2.00
State-wide fishing license (non resident) $5.00
County fishing license (resident only) .....$1.00"

"(d) Ohio River fishing license (residents of Ohio, Indiana and Illinois only) .....$2.00"

Section 3. This act shall become effective midnight December 31, 1948.

Mr. Morgan offered the following amendment to said bill, viz.:

Amend House Bill No. 281, on page 5, following Section 3, by inserting the following additional section:

"Section 4. It is the intention of the General Assembly, in amending Section 150.175 of the Kentucky Revised Statutes, to amend that section only to the extent that the language of the section as so amended differs from the language of said section as it appears in the 1946 edition of

the Kentucky Revised Statutes; and in setting said section forth at length as amended, as required by Section 51 of the Constitution, it is not the legislative intent to supersede, impliedly repeal or in any other way create a conflict with any other Act enacted at the present session of the General Assembly which may also amend and set forth at length said Section 150.175.

Said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Everett T. Cooper	J. Ernest Jones
Jason Alford	Horace T. Cull	L. H. Jones
Levi Baker	Owen Deering	Ercel Kozee
Bernhardt Bauer	Otto W. Goff	Harry K. Lowman
Fred Beshear	N. M. Hamilton	W. E. McClure
Isaac M. Blevins	E. R. Hilton	Ed Marcum
Chas. J. Bronston	C. J. Holsclaw	F. G. Marquette
Chas. W. Burnley	D. W. Howard	E. H. Martin
Earl W. Christian	Kerby Jennings	C. D. Moberly

Archie R. Moore	Hobart Rayburn	Paul E. Shannon
Davis Moore	Ottis Roberts	Jesse H. Shelton
Fred H. Morgan	Lilburn S. Rogers	Albert Thomason
E. C. Mullins	Amos Runyan	J. B. Veech
T. A. Noe, Jr.	Glenn Rushing	W. J. Ward
H. C. Patterson	Mrs. Rutherford	John C. Watts
H. M. Pewitt	Dr. K. N. Salyer	Rodney Whitlow
J. H. Polsgrove	James J. Shannon	Charles W. Wirsch
E. F. Prichard		—52

Those who voted in the negative were—

Joe E. Nunn	Wilford S. Travis	Lynn Boyd Wells
Harry Smith	Lawrence Watts	—5

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 4. An Act to amend the Constitution of the Commonwealth of Kentucky to change the times for the election of public officers so as to reduce the number of elections to be held in the Commonwealth of Kentucky, and to fix the times for the meetings of the General Assembly made necessary by the change in the times of the elections of the members thereof.

With an amendment thereto by way of substitute therefor as previously proposed and adopted by the House.

Mr. Marquette moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 309. An Act to define, license, and regulate the business of making loans or advancements in the amount or of the value of five hundred dollars or less, secured or unsecured, at a greater rate of interest, consideration, or charge than six per centum per annum, prescribing the rates of interest and charges therefor and penalties for the violation thereof, regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of five hundred dollars or less, providing for the administration of this act, authorizing the making of examinations and investigations and the publication of reports thereof, providing for judicial review of orders and regulations of the Commissioner of Banking under this act, and providing that this act shall repeal and replace KRS Chapter 288.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. CONSTRUCTION OF ACT. (1) As used in this act, unless the context requires otherwise:

(a) "Commissioner" means the Commissioner of Banking;

(b) "Licensee" means a person licensed under this act; and

(c) "Person" means any individual, co-partnership, corporation, association, trust, and other legal entity.

(2) This act shall not apply to any person doing business under and as permitted by any law of this state or of the United States relating to banks, loan and investment companies, savings banks, trust companies, trust, banking and title insurance companies, building and loan associations, cooperative marketing associations, credit unions, or licensed pawn-brokers, nor to any person engaged in the business of purchasing direct from dealers notes arising from the sale of motor vehicles.

Section 2. LICENSE REQUIRED FOR LOAN COMPANIES. No person shall, without first obtaining a license from the commissioner, engage in the business of making loans in the amount or of the value of five hundred dollars or less at a greater rate of interest, or consideration therefor than six per cent per annum.

Section 3. FORM OF APPLICATION; CONTENTS. (1) Each application for a license under this act shall be made in writing, under oath or affirmation, in such form as the commissioner prescribes.

(2) The application shall contain:

(a) In the case of an individual, his name and the address of his residence and place of business;

(b) In the case of a partnership or association, the name and address of every member thereof and the address of the place where the business is to be conducted;

(c) In the case of a corporation, the names and addresses of the officers and directors thereof and the address of the place where the business is to be conducted; and

(d) Such additional information as the commissioner prescribes.

Section 4. FINANCIAL CONDITION OF APPLICANT. Each applicant shall prove to the commissioner that he has a net worth of at least twenty thousand dollars and has available for the purpose of making loans under this act at the location specified in the application, liquid assets of at least twenty thousand dollars.

Section 5. FEES. Each applicant at the time of making application shall pay fifty dollars to the commissioner as a fee for investigating the application and the additional sum of two hundred and fifty dollars as an annual license fee for the period terminating on the last day of the current calendar year. If the application is filed after June 30 in any year, the payment shall be one hundred and twenty-five dollars license fee in addition to the fee for investigation. In addition to the annual license fee every licensee hereunder shall pay the same fee for one annual examination as is allowed by statute for the examination of banks.

Section 6. APPROVAL OR REJECTION OF APPLICATION; TIME LIMIT.

(1) The commissioner shall, after investigation, issue to the applicant a license to make loans in accordance with this act, if the commissioner approves the form of the application and finds:

(a) That the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof if the applicant is a partnership or association, and of the officers and directors thereof if the applicant is a corporation, are such as to command the confidence of the community and to warrant the belief that the business of the applicant will be operated honestly, fairly, and efficiently in accordance with the purposes of this act;

(b) That permitting such applicant to engage in such business will promote the convenience and advantage of the community; and

(c) That the applicant has complied with section 4 of this act.

(2) If the commissioner does not so find, he shall not issue a license and shall notify the applicant of the denial and return the sum paid by the applicant as a license fee, retaining the fifty dollars investigation fee to cover the cost of investigating the application.

(3) The commissioner shall approve or deny every such application for license within thirty days from the filing thereof with the fees.

Section 7. LICENSEE; CONTENTS; TO BE POSTED; CHANGE IN PLACE OF BUSINESS. (1) Every license shall state the address of the office at which the business is to be conducted, the name of the licensee, and if the licensee is a partnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation.

(2) The license shall be kept conspicuously posted in the office of the licensee and shall not be transferable or assignable. Not more than one place of business shall be maintained under the same license but the commissioner may issue more

than one license to the same licensee upon compliance with all the provisions of this act for each license.

(3) Whenever a licensee desires to change his place of business to another location within the same city the commissioner, on application, shall endorse on the license a transfer to the new place of business, with the date of transfer, which endorsement shall be authority for the operation of such business at the new location. No change in the place of business of a licensee to a location outside of the original city shall be permitted under the same license.

Section 8. REGULATIONS AS TO PLACE OF BUSINESS. No licensee shall conduct the business authorized by this act in any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith if the commissioner shall find, after investigation of such other business and after five days' written notice followed by a hearing, that the licensee's conduct of the other business has facilitated evasion or violation of this act and shall order the licensee to desist from conducting such other business. No licensee shall make any loan under this act under any other name or at any other place of business than that stated in the license.

Section 9. DURATION OF LICENSE; PAYMENT OF ANNUAL FEE. Each license shall remain in full force and effect until it is surrendered by the licensee or suspended or revoked as provided in this act. Each licensee shall, on or before each December 20, pay to the commissioner the annual license fee for the next succeeding calendar year.

Section 10. REVOCATION, SUSPENSION, SURRENDER AND REINSTATEMENT OF LICENSES. (1) The commissioner may revoke any license issued under this act if he finds:

(a) That the licensee has failed to pay his annual license fee;

(b) That the licensee has continued to violate any provision of this act after receiving a compliance order or cease and desist order made by the commissioner persuant to subsection 2 of section 25; or

(c) That any fact or condition then exists which clearly would warrant the commissioner in refusing to issue a license on an original application.

(2) Before the revocation of a license under subsection (1), the licensee shall be given ten days' written notice of the contemplated revocation of his license, the grounds therefor stated generally, and a reasonable opportunity to be heard.

(3) If a licensee does not comply with an order made under subsection 2 of section 25, the commissioner may, without notice or hearing, suspend any license for a period not exceeding thirty days, pending further investigation.

(4) The commissioner may reinstate suspended licenses or issue new licenses to a licensee whose license has been revoked if no fact or condition then exists which clearly would have warranted him in refusing originally to issue such license under this act.

(5) Any licensee may surrender any license by delivering to the commissioner written notice that he thereby surrenders such license.

Section 11. WRITTEN ORDER OF DENIAL OR REVOCATION; RIGHT OF APPEAL. Whenever the commissioner denies any application for a license under the provisions of this act or revokes any license issued pursuant to this act, he shall forthwith file in his office a written order to that effect, stating his findings with respect thereto and the reasons for his action. The commissioner shall also forthwith serve upon the applicant for license or licensee a copy of the order together with a copy of his findings with respect thereto and the reasons for the action, and the applicant or licensee may appeal to the circuit court of Franklin County, within thirty days after the service of a copy of the order.

Section 12. FINANCIAL CONDITION OF LICENSEE. Each licensee shall have at all times a net worth of at least twenty thousand dollars and shall maintain at all times assets of at least twenty thousand dollars either in liquid form available for or actually used in the making of loans under this act at the location specified in the license.

Section 13. PROHIBITED ADVERTISEMENTS AND STATEMENTS. No licensee or other person subject to this act shall knowingly in any manner make or permit to be made any statement or representation with regard to the rates, terms, or conditions for making loans in the sum of five hundred dollars or less, which is false, misleading or deceptive.

Section 14. CHARGES ALLOWED LICENSEE; ENFORCEABILITY. (1) Every licensee may contract for and receive on any loan of money not exceeding five hundred dollars in amount, charges at a rate not exceeding three per cent per month on that part of the unpaid principal balance of any loan not in excess of two hundred dollars, two per cent per month on that part of the unpaid principal balance in excess of two hundred dollars but not in excess of three hundred dollars and one per cent per month on any remainder of such unpaid principal balance. No licensee shall permit any person, nor any husband and wife jointly or severally, to be obligated, directly or contingently or both, under more than one contract of loan at the same time for the purpose of obtaining a higher rate of charge than would otherwise be permitted by this section.

(2) Charges on loans made under this act shall (1) be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof, and (2) be so expressed in every note signed by the borrower, and (3) be computed on the basis of the number of days actually elapsed. For the purpose of computing charges, a month shall be any period of 30 consecutive days and the rate of charge for each day shall be 1/30th of the monthly rate. Such charges shall not be paid, deducted, or received in advance. Such charges shall not be compounded; provided that, if part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under such loan contract may include any unpaid charges on the prior loan which have accrued within 60 days before the making of such loan contract.

(3) In addition to the charges provided for, no further or other amount shall be directly or indirectly contracted for or

received, except: (a) lawful fees actually paid out by the licensee to any public officer for filing, recording or releasing any instrument securing the loan, or for transferring certificate of title to a motor vehicle securing the loan or noting a lien on such certificate; which fees may be collected at the time the loan is made or at any time thereafter: (b) taxable costs and expenses to which the licensee becomes entitled under general law in any court proceedings either to collect a loan or to realize on a security after default.

(4) If any amount in excess of the charges permitted by this act is contracted for or received, except as the result of a bona fide error, the contract of loan shall be unenforceable.

Section 15. INDEBTEDNESS OF MORE THAN FIVE HUNDRED DOLLARS. No licensee shall charge, contract for, or receive, directly or indirectly, interest, consideration or charges greater than six per cent per annum on any part of an indebtedness for one or more than one loan of money if the amount of such indebtedness is in excess of five hundred dollars. For the purpose of the foregoing limitations, the amount of any such indebtedness shall be determined by including the entire obligation of any person to the licensee for principal, direct or contingent or both, as borrower, endorser, guarantor, surety for, or as spouse of any borrower or otherwise, whether incurred or substituting under one or more than one contract or transaction, except that any contract of endorsement, guaranty, or suretyship that does not obligate the endorser, guarantor, or surety for any charges in excess of six per cent per annum, shall not be included in such entire obligation. If a licensee shall acquire, directly or indirectly, by purchase or discount, bona fide obligations for goods or services owed by the person who received such goods or services to the person who provided such goods or services, then the amount of such purchased or discounted indebtedness to the licensee shall not be included in computing the aggregate indebtedness of such borrower to the licensee for the purpose of the foregoing prohibitions.

Section 16. INTEREST RATE FOR PERSONS NOT LICENSED. No person, except as authorized by this act shall, directly or indirectly, by any device, subterfuge, or pretense

whatsoever charge, contract for or receive, or participate, as agent, broker or in any other capacity, in charging, contracting for or receiving, any interest, discount, or consideration greater than six per cent per annum upon any loans in the amount or of the value of five hundred dollars or less.

Section 17. LOANS VIOLATING ACT VOID. Loans made in violation of sections 2 and 17 of this act are void and the lender shall have no right to collect or receive any principal, interest or other charges. Any person or any officer or agent of any organization who violates sections 2 or 17 shall be fined not more than three hundred dollars or imprisoned not more than six months, or both.

Section 18. PUBLIC POLICY; LOANS OUTSIDE STATE. (1) Any loan in the amount or of the value of five hundred dollars or less for which there has been charged, contracted for, or received a greater rate of interest, or consideration than licensees are permitted to charge, contract for, or receive under this act is against the public policy of this state.

(2) No such loan made outside the state shall be enforced in the state and every person participating therein in the state shall be subject to the provisions of this act.

(3) This section does not apply to loans legally made in any state having a small loan law, similar to this act, at the time the loan is made.

Section 19. DUTIES OF LICENSEE. Every licensee shall:

(1) Deliver to the borrower at the time of making a loan, a statement containing a copy of the provisions of section 14 showing in clear and distinct terms the amount and date of the loan and the date of its maturity, the nature of the security for the loan, the name and address of the borrower and of the licensee, and the agreed rate of charge on such loan;

(2) Give to the borrower a receipt for each payment made on account of any such loan at the time each payment is made, specifying the amount applied to charges and the amount applied to principal, and stating the amount of the unpaid principal balance.

(3) Upon the repayment of the loan in full, cancel and return every note and assignment given to the licensee by the borrower, restore any pledge, and deliver to the borrower a written release of any recorded mortgage.

Section 20. CONFESSION OF JUDGEMENT PROHIBITED; CONTRACT TO BE DEFINITE; NOT NEGOTIABLE. No licensee shall take any confession of judgement or any power of attorney to confess judgement. No licensee shall take any note, promise to pay, or security that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate of charge, nor any instrument in which blanks are left to be filled in after the execution of such instrument. No instrument taken under authority of this act shall be negotiable.

Section 21. LIEN UPON REAL ESTATE AS SECURITY PROHIBITED. No licensee shall take any lien upon real estate as security for any loan under this act, except such lien as is created by virtue of a judgment or decree.

Section 22. PAYMENT OF LOAN. The borrower may pay all or any part of any loan at any time before the date of maturity thereof, but any such payment may first be applied by the licensee to all unpaid charges at the agreed rate up to the date of the payment.

Section 23. TRANSACTIONS CONSIDERED LOANS UNDER THIS ACT. The payment of five hundred dollars or less in money, credit, goods, or things in action, as consideration for any sale, assignment, or order for the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall be deemed for the purposes of regulation under this act, a loan secured by such assignment, and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall be deemed for the purposes of regulation under this act interest or charges upon such loan from the date of payment to the date such compensation is payable. Such transactions shall be governed by and subject to the provisions of this act.

Section 24. COMMISSIONER OF BANKING TO MAKE REGULATIONS. (1) The Commissioner may make regulations necessary for the enforcement of this act and consistent with all of its provisions. Each such regulation shall quote the provision for the enforcement of which the commissioner deems the regulation necessary and such regulation shall not extend such provision or any other provision of this act. At least 20 days before making a regulation the commissioner shall give every licensee notice of a public hearing thereon containing a statement of the time and place thereof and the terms or substance of the proposed regulation. At such hearing any licensee may be heard and may introduce evidence, data, or arguments or place the same on file. After consideration of all relevant matter presented, the commissioner shall promulgate every regulation in written form stating its effective date and the date of promulgation. Each regulation shall be entered in a permanent book which shall be a public record and be kept in the office of the commissioner. A copy of every regulation shall be mailed to each licensee and no regulation shall become effective until the expiration of 10 days after such mailing.

(2) Whenever the commissioner believes that any person is violating or intends to violate this act, he may after notice and hearing enter an order requiring such person to comply with this act or cease and desist from violating it. At least five days' written notice shall be given setting forth the time and place of hearing and the nature of the violations charged. The order shall specify in writing the violations found and shall become effective not less than 5 days after delivery thereof.

(3) On application of any person the commissioner shall furnish a certified copy of any license, regulation, or order which shall be prima facie evidence in any court or proceeding of the issuance of such license or the making of such regulation or order.

(4) The validity of any regulation or order issued under this section shall be subject to review at any time in a civil action for declaratory judgment, injunction, or other appropriate relief upon the filing of a complaint by any aggrieved person. Such action may be brought without prior resort to

the commissioner. The procedure shall be as in other civil proceedings. Such action shall be brought in the circuit court of Franklin County. The effect of the regulation or order shall be stayed on the filing of such complaint unless otherwise ordered by the court.

Section 25. INVESTIGATIONS. (a) For the purpose of discovering violations of this law or securing information lawfully required under it, the commissioner or his duly authorized representative may at any time investigate the loans, books and records of any person who is engaged or appears to the commissioner to be engaged in the business of making small loans as defined and described in, and required to be licensed and supervised under, this law, particularly in section two, or who advertises for, solicits, or holds himself as willing to make, loans in amounts of five hundred dollars or less, or who the commissioner has reason to believe is violating any provision of this law, whether such person shall act or claim to act under or without the authority of this law, or as principal, agent, broker or otherwise. In furtherance of the investigation the commissioner through his duly authorized representatives shall have and be given free access to the offices, places of business, books, papers, accounts, records, files, safes, and vaults of all such persons, and shall have authority to require attendance of witnesses and to examine under oath any person whose testimony may be required relative to any such loans or business or to the subject matter of the investigation, examination or hearing.

(b) Before making an investigation as provided for in this section as to any person not licensed nor an applicant for a license under this law a formal order must be entered by the commission specifically directing the investigation to be made, commanding submission by the person whose business is to be investigated, and setting forth all other details necessary to clearness and certainty, and no such order may be entered except upon at least one affidavit, which may be given by any member of the personnel of the commissioner or by any other person, or upon documentary data, or upon admissions of the person to be investigated, or upon any combination of the foregoing, satisfactorily establishing, prima

facie, facts sufficient to warrant the investigation provided for by this section, but if the person involved consents to the investigation being made the foregoing requirements may be dispensed with and the investigation may be made upon direction of the commissioner.

(c) Notwithstanding any such compulsory investigation or verbal testimony, civil rights, not involving penalty or forfeiture, on the part of any one and the right of injunctive relief as provided for in section twenty-seven of this law may be enforced and facts discovered and disclosures made in the course of the investigation shall be available against the person so investigated or so compelled to testify in any proceeding involving any ordinary civil right or for obtaining injunction under this law.

Section 26. INJUNCTIONS; RECEIVERS. (a) In addition to all other powers granted under this law, the commissioner may, whenever he has reasonable cause to believe that any person, not licensed under this law, is violating or is threatening to or intends to violate any provision of this law or any order or regulation lawfully made pursuant to the authority of this law, certify the facts to the Attorney General and request him to examine the same, and if in his judgment the facts justify it shall be his duty to institute and prosecute injunction proceedings in the Circuit Court of Franklin County, in the name of the Commonwealth at the relation of the Commissioner, and that court is empowered, and clothed and vested with full and complete equity jurisdiction, to enjoin and restrain any such person from engaging in or continuing any such violation or from doing any act or acts in furtherance thereof. In any such suit a decree or order may be entered awarding such preliminary or final injunction as deemed proper. In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction, or final injunction, the court has the power and jurisdiction to impound, and to appoint a receiver for, the property and business of the defendant, including books, papers, documents, and records pertaining thereto or so much thereof as the court deems reasonably necessary to prevent further violations of this law through

or by means of the use of such property and business. The receiver, when appointed and qualified, shall have such powers and duties as to custody, collection, administration and liquidation of the property and business as from time to time conferred upon him by the court.

(b) No person shall be entitled to refuse to testify because his testimony would tend to incriminate himself or subject him to penalty or forfeiture but if called to testify by the Commonwealth or by the court trying the case he may not thereafter be prosecuted for any crime or subjected to any penalty or forfeiture growing out of the transaction concerning which he testifies.

Section 27. EXAMINATION. (1) The commissioner shall make an examination of the place of business of each licensee and of the loans, transactions, books, papers and records of such licensee so far as they pertain to the business licensed under this act and may conduct such an investigation at any time to ascertain that the licensee is conforming with the provisions of this act.

(2) For the purpose of making such examinations or investigations the commissioner or his representative may require the attendance of and examine under oath all persons whose testimony he may require, relative to the loans or business of any such licensee, and shall have free access to the accounts, papers, records, files, safes, vaults, offices, and places of business used in connection with any business conducted with this act.

Section 28. LICENSEE TO MAKE ANNUAL REPORT. Each licensee shall annually on or before March 15, file with the commissioner a report giving such information as the commissioner requires relevant to the business and operations during the preceding calendar year of each licensed place of business conducted in the state. Such report shall be made under oath and in the form prescribed by the commissioner, who shall make and publish annually an analysis and recapitulation of such reports.

Section 29. RECORDS, EXTENT AND PRESERVATION OF. Each licensee shall keep and use in his business

and shall preserve for at least two years after making the final entry on any loan recorded therein, such books, accounts, records, or card systems as will enable the commissioner to determine whether the licensee is complying with the provisions of this act and with the regulations made pursuant thereto.

Section 30. ASSIGNMENT OF COMPENSATION; REGULATION OF. No assignment of or order for payment of any salary, wages, commissions, or other compensation for services, earned or to be earned, when taken as security for any loan made under this act, shall be valid unless the amount of the loan is paid to the borrower simultaneously with its execution. Under any assignment of or order for the payment of future salary, wages, commissions, or other compensation for services given as security for a loan made under this act, there shall not at any time be collectible from the employer of the borrower more than ten per cent of the amount then owing the borrower for any such salary, wages, commissions or other compensation for services.

Section 31. This act shall repeal and replace KRS Chapter 288.

Section 32. This act shall not impair or affect loan contracts made prior to its effective date.

Section 33. Any license in effect under KRS Chapter 288 at the time this act takes effect shall be deemed to be a license under this act. Within a reasonable time, the commissioner shall issue a new form of license showing that the license is held under this act rather than under the former KRS Chapter 288. Such license may be continued in effect, subject to the same requirements and conditions as apply to a license issued on an application made under this act.

Section 34. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 35. This act shall be known and may be cited as the Kentucky Consumer Loan Act.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	D. W. Howard	J. H. Polsgrove
Jason Alford	M. G. Howard	L. W. Preston
Sidney Baer	Ira W. Hulette	E. F .Prichard
Levi Baker	Laban P. Jackson	Hobart Rayburn
Bernhardt Bauer	Kerby Jennings	Ottis Roberts
Fred Beshear	Paul S. Jonas	Lilburn S. Rogers
Isaac M. Blevins	J. Ernest Jones	Amos Runyan
Chas. J. Bronston	Ercel Kozee	Glenn Rushing
Chas. W. Burnley	W. E. McClure	Mrs. Rutherford
Earl W. Christian	Ed Marcum	James J. Shannon
George I. Cline	F. G. Marquette	Jesse H. Shelton
Robert Collins	E. H. Martin	John M. Spaulding
Everett T. Cooper	Archie R. Moore	Chas. L. Spillman
Horace T. Cull	Davis Moore	Albert Thomason
Owen Deering	Walter Moorman	Wilford S. Travis
G. I. Drury	Fred H. Morgan	W. J. Ward
Kermit Dwyer	E. C. Mullins	John C. Watts
Otto W. Goff	T. A. Noe, Jr.	Lynn Boyd Wells
N. M. Hamilton	Joe E. Nunn	Rodney Whitlow
C. J. Holsclaw	H. M. Pewitt	G. F. Williamson
Richard R. Houpt		

—61

Those who voted in the negative were—

C. D. Moberly	H. C. Patterson	Dr. K. N. Salyer

—3

Resolved that the title thereof be as aforesaid.

Mr. Holsclaw moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Jennings moved that the rules be suspended and the vote by which a resolution was adopted entitled:

H. Res. A. Resolution pertaining to pay of House pages.

(For resolution see H. J. of February 25, 1948, ante.)

Be reconsidered.

Said motion was agreed to by a majority of the members elected.

Thereafter such reconsideration.

Mr. Jennings asked unanimous consent of the House to withdraw said resolution.

Without objection, the consent of the House was granted and said resolution was withdrawn.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 167. An Act to amend Section 199.320 of the Kentucky Revised Statutes, relating to contributing to the delinquency of a child.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 199.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall encourage, aid, cause or in any way contribute to the conditions that render a child dependent, neglected or delinquent.

(2) No person having custody of a child shall fail to do any act that will directly tend to prevent the child's becoming dependent, neglected or delinquent.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	M. G. Howard	H. C. Patterson
Jason Alford	R. N. Hubbard	E. F. Prichard
Sidney Baer	Ira W. Hulette	Ottis Roberts
Bernhardt Bauer	Laban P. Jackson	Amos Runyan
Fred Beshear	Kerby Jennings	Glenn Rushing
Isaac M. Blevins	Paul S. Jonas	Mrs. Rutherford
Chas. J. Bronston	J. Ernest Jones	Dr. K. N. Salyer
Chas. W. Burnley	L. H. Jones	LeRoy Saylor
Earl W. Christian	Ercel Kozee	James J. Shannon
George I. Cline	Harry K. Lowman	Paul E. Shannon
Robert Collins	W. E. McClure	Harry Smith
Everett T. Cooper	F. G. Marquette	John M. Spaulding
Horace T. Cull	E. H. Martin	Chas. L. Spillman
Owen Deering	C. D. Moberly	John M. Stumbo
G. I. Drury	Archie R. Moore	G. C. Thornton
Kermit Dwyer	Davis Moore	W. J. Ward
N. M. Hamilton	Walter Moorman	John C. Watts
C. J. Holsclaw	E. C. Mullins	Lawrence Watts
Richard R. Houpt	T. A. Noe, Jr.	Lynn Boyd Wells
D. W. Howard	Joe E. Nunn	Charles W. Wirsch

—60

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 301. An Act relating to the qualifications of members of the police and fire departments of cities of the second or third class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 95.440 of the Kentucky Revised Statutes is amended to read as follows:

(2) Each member of the police or fire department in cities of the second and third classes shall be a qualified voter of the city, able to read, write and understand the English language, and have such other qualifications as may be prescribed. No person shall be appointed a member of the police or fire department unless he is a man of sobriety and integrity and is and has been an orderly, law-abiding citizen, nor shall any person be so appointed who is over fifty years of age, unless such person, at some time prior to the appointment, has served for at least ten consecutive years as a member of the police or fire department of the city.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. W. Burnley	G. I. Drury
Jason Alford	Earl W. Christian	Kermit Dwyer
Sidney Baer	George I. Cline	N. M. Hamilton
Bernhardt Bauer	Robert Collins	C. J. Holsclaw
Fred Beshear	Everett T. Cooper	Richard R. Houpt
Isaac M. Blevins	Horace T. Cull	D. W. Howard
Chas. J. Bronston	Owen Deering	M. G. Howard

R. N. Hubbard	Walter Moorman	Paul E. Shannon
Laban P. Jackson	E. C. Mullins	Harry Smith
Kerby Jennings	Joe E. Nunn	John M. Spaulding
Paul S. Jonas	J. H. Polsgrove	Chas. L. Spillman
J. Ernest Jones	E. F. Prichard	G. W. Steinford
L. H. Jones	Hobart Rayburn	G. C. Thornton
Ercel Kozee	Ottis Roberts	J. B. Veech
Harry K. Lowman	Amos Runyan	W. J. Ward
W. E. McClure	Glenn Rushing	John C. Watts
F. G. Marquette	Mrs. Rutherford	Lawrence Watts
E. H. Martin	Dr. K. N. Salyer	Lynn Boyd Wells
C. D. Moberly	LeRoy Saylor	Rodney Whitlow
Archie R. Moore	James J. Shannon	Charles W. Wirsch
Davis Moore		

—61

Resolved that the title thereof be as aforesaid.

Mr. Adams moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Chief Clerk produced and read the following communications, viz.:

February 26, 1948.

Mr. Byron Royster,
Chief Clerk,
House of Representatives,
Frankfort, Kentucky.

Dear Sir:

This refers to my letter of yesterday to you relative to the application of the Chesapeake & Ohio Railway Company for permission to abandon its ferry between New Richmond, Ohio, and South New Richmond, Kentucky. Finance Docket No. 15615.

My statement that no exceptions have been filed to the examiner's proposed report was based on misinformation furnished me. I have now learned that on February 16 this Commission received exceptions to the examiner's report from John R. Hahn, on behalf of the Kiwanis Club of New Richmond, Ohio, but that said exceptions were not officially filed for the reason that he did not furnish the number of copies thereof required by the Commission's rules.

When the copies are received, the exceptions will be filed as of the date the original was received, and, together with the applicant's reply thereto, will be given our careful consideration.

Very truly yours,

(SD.) CHARLES D. MAHAFFIE,
Commissioner,
Interstate Commerce Commission

February 27, 1948.

Mr. Byron Royster, Chief Clerk,
House of Representatives,
Frankfort, Kentucky.

Dear Mr. Royster:

This will acknowledge the receipt of the Resolution of the House of Representatives of the General Assembly of the Commonwealth of Kentucky requesting an increase in the 1948 Burley tobacco marketing quota.

Under date of February 26, 1948, an announcement was made to the effect that the quota of 474 million pounds as proclaimed last November has been increased to 514 million pounds to offset the difference of 40 million pounds between actual sales of about 485 million pounds and the indicated 1947 crop of 525 million pounds used in calculating the quota last November.

I am enclosing a copy of the press release of February 26, 1948, announcing an increase in the Burley quota.

Very truly yours,

(SD.) CHAS. E. GAGE,
Director,
Tobacco Branch,
United States Department of Agriculture, Production and Marketing Administration.

UNITED STATES DEPARTMENT
OF AGRICULTURE

Production and Marketing Administration

Washington, February 26, 1948.

1948 Burley Tobacco Quota Increase:

Secretary of Agriculture Clinton P. Anderson announced today an increase in the 1948 Burley tobacco national marketing quota from 474 million pounds as proclaimed November 28, 1947 to 514 million pounds. This increase will offset the difference of 40 million pounds between actual sales of about 485 million pounds and the indicated 1947 crop of 525 million pounds used in calculating the quota last November.

Acreage allotments for most farms for 1948, with the increased quota, will be approximately 2 per cent less than the 1947 allotments. Farm allotments of 0.9 acre or less in 1947 will not be reduced. The total of all farm allotments will be approximately one per cent less this year than in 1947.

The Agricultural Adjustment Act of 1938, as amended, authorizes an increase of not more than 20 per cent if an increase is found to be necessary in order to meet market demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

The quota as announced in November was calculated to bring the supply of tobacco for the 1948-49 marketing year

in line with the "reserve supply level" defined in the Act. The indicated 1947 production was used in determining the supply which would be available. When it was found that actual sales from the 1947 crop would be approximately 40 million pounds below the amount indicated in November 1947, it became necessary to increase the quota in order to make available a supply in keeping with the provisions of the Act. Demand conditions both from the standpoint of domestic consumption and of exports remain unchanged.

The national marketing quota for 1948 of 514 million pounds compares with the quota of 490 million pounds for 1947. The total acreage allotted for 1948, however, will be approximately one per cent less than the acreage allotted for 1947 because of the use of a higher average yield per acre in determining the individual and minimum acreage allotments. In accordance with the provisions of law, the past 5-year average yield of 1,108 pounds per acre was used for converting the 1947 quota. The past 5-year average yield for converting the 1948 quota is 1,147 pounds per acre.

THE WHITE HOUSE

WASHINGTON.

February 25, 1948.

My dear Mr. Royster:

The copy of a Resolution adopted by the Legislature of the Commonwealth of Kentucky, which you forwarded to the President on February nineteenth, has been received in his absence and will, of course, be made available to him at the first opportunity. I know that he will appreciate your courtesy in the transmittal of this Resolution.

Very sincerely yours,

(Sd.) CHARLES G. ROSS,
Secretary to the President.

Honorable Byron Royster,
Chief Clerk,
House of Representatives,
Frankfort, Kentucky.

Mr. John C. Watts moved that the House do now adjourn to meet again at 10 o'clock, a. m., Tuesday, March 2, 1948.

Said motion was agreed to

And then the House adjourned

TUESDAY, MARCH 2, 1948.

The House convened and was called to order by the Honorable T. Herbert Tinsley, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore, pastor of the Presbyterian Church of Frankfort, Ky.

The roll of the House was called and the following members answered to their names, viz.:

Bernam Adams	Earl W. Christian	E. R. Hilton
Jason Alford	George I. Cline	C. J. Holsclaw
Roy W. Arnold	W. K. Coleman	Richard R. Houpt
Earl F. Ashcraft	Robert Collins	Clyde S. Howard
Sidney Baer	Everett T. Cooper	D. W. Howard
Levi Baker	Perry M. Cross	M. G. Howard
Bernhardt Bauer	Horace T. Cull	R. N. Hubbard
C. E. Baumgardner	Owen Deering	Ira W. Hulette
Fred Beshear	G. I. Drury	Laban P. Jackson
Isaac M. Blevins	Kermit Dwyer	Kerby Jennings
Chas. J. Bronston	Henry J. Giles	Paul S. Jonas
Mrs. Mary Burnett	Otto W. Goff	J. Ernest Jones
Chas. W. Burnley	N. M. Hamilton	L. H. Jones
A. H. Calvert	James P. Hanratty	Ercel Kozee
Paul Carter	Carson Hibbitts	Harry K. Lowman

W. E. McClure
Ed Marcum
F. G. Marquette
E. H. Martin
C. D. Moberly
Archie R. Moore
Davis Moore
Walter Moorman
Fred H. Morgan
E. C. Mullins
Stanley Murphy
T. A. Noe, Jr.
Joe E. Nunn
H. S. Overby
H. C. Patterson
H. M. Pewitt
J. H. Polsgrove
L. W. Preston
E. F. Prichard
Hobart Rayburn
Ottis Roberts
Lilburn S. Rogers
Amos Runyan
Glenn Rushing
Mrs. Rutherford
Dr. K. N. Salyer
D. B. Saylor
LeRoy Saylor
James J. Shannon
Paul E. Shannon
James S. Shaw
Harry Smith
John M. Spaulding
Chas. L. Spillman
G. W. Steinford
John M. Stumbo
Albert Thomason
G. C. Thornton
W. R. Tipton
Wilford S. Travis
W. J. Ward
John C. Watts
Lawrence Watts
Morris Weintraub
Lynn Boyd Wells
Rodney Whitlow
G. F. Williamson
Charles W. Wirsch
Mr. Speaker

Dr. Salyer moved that the reading of the Journal of the House of the proceedings of March 1, 1948, be dispensed with, and the same be approved.

Said motion was agreed to.

The Speaker vacated the Chair and designated Mr. Prichard as Speaker Pro Tem.

The hour of 10:30 o'clock, a. m., having arrived, that being the hour previously agreed upon for a Special Order of the Day, the House took up for consideration a bill of the following title, viz.:

S. B. No. 230. An Act repealing and re-enacting Section 89.560, Kentucky Revised Statutes, relating to city managers in cities of the second, third and fourth classes, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 89.560, Kentucky Revised statutes, 1946 Edition, is hereby amended and re-enacted to read as follows:

(1) The board of commissioners shall select and employ a city manager. He shall be selected solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. He shall be employed for an indefinite period, in cities of the second and fourth classes, or for a period not exceeding four years in cities of the third class. He shall receive such compensation as may be determined by the board of commissioners. During the absence or disability of the city manager the board of commissioners shall designate some properly qualified person to perform the duties of the office.

(2) In cities of the second class the city manager shall be removable at will without cause by a majority of the board of commissioners.

(3) In cities of the third and fourth classes the city manager shall be removable at will by the board of commissioners, but removal shall not be effected by a reduction in his compensation. If removed at any time after having served for six (6) months he may in writing demand written charges and a public hearing before the board of commissioners prior to the date on which his final removal shall take effect, but during the hearing the board of commissioners may suspend him from office. The public hearing shall be fixed by the board of commissioners not to exceed thirty (30) days after demand therefor.

Section 2. Whereas, there now exists great confusion and conflict in the administration of the affairs of cities of the second class having a city manager form of government with regard to the relationship between the city manager and the board of commissioners; and

Whereas, governing authorities of cities of the second class having a city manager form of government who were elected are in a state of doubt and confusion with regard to their power and authority; and

Whereas, such doubt and confusion is paralyzing the effective administration of cities of the second class having a city manager form of government:

An emergency is hereby declared to exist, and this Act shall become a law immediately upon its passage and approval by the Governor.

Mrs. Burnett moved the Previous Question.

Whereupon, the Speaker Pro Tem announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. E. Baumgardner	A. H. Calvert
Jason Alford	Fred Beshear	Earl W. Christian
Roy W. Arnold	Isaac M. Blevins	George I. Cline
Earl F. Ashcraft	Chas. J. Bronston	W. K. Coleman
Sidney Baer	Mrs. Mary Burnett	Robert Collins
Levi Baker	Chas. W. Burnley	Everett T. Cooper

Perry M. Cross	W. E. McClure	Mrs. Rutherford
Horace T. Cull	F. G. Marquette	Dr. K. N. Salyer
Owen Deering	E. H. Martin	D. B. Saylor
G. I. Drury	C. D. Moberly	James J. Shannon
Kermit Dwyer	Archie R. Moore	Jesse H. Shelton
Henry J. Giles	Davis Moore	Harry Smith
Otto W. Goff	Fred H. Morgan	John M. Spaulding
Henry C. Hale	Stanley Murphy	Chas. L. Spillman
N. M. Hamilton	T. A. Noe, Jr.	John M. Stumbo
Carson Hibbitts	H. S. Overby	Albert Thomason
E. R. Hilton	H. C. Patterson	G. C. Thornton
C. J. Holsclaw	H. M. Pewitt	W. R. Tipton
Richard R. Houpt	J. H. Polsgrove	Wilford S. Travis
D. W. Howard	E. F. Prichard	W. J. Ward
R. N. Hubbard	Hobart Rayburn	John C. Watts
Ira W. Hulette	Ottis Roberts	Lawrence Watts
J. Ernest Jones	Lilburn S. Rogers	Rodney Whitlow
L. H. Jones	Amos Runyan	G. F. Williamson
Ercel Kozee	Glenn Rushing	Charles W. Wirsch
Harry K. Lowman		—76

Those who voted in the negative were—

Laban P. Jackson	Joe E. Nunn	L. W. Preston
E. C. Mullins		—4

Resolved that the title thereof be as aforesaid.

Mr. Bronston moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Lowman moved that the privilege of the floor be extended to Mr. and Mrs. John McKenzie and Mr. Harry King.

Said motion was agreed to.

Mr. Beshear moved that the privilege of the floor be extended to Miss Ruby Sutton and Messrs. G. L. Trice, R. D. Luce, Paul Friday and C. W. Dinwiddie.

Said motion was agreed to.

Mr. James J. Shannon moved that the privilege of the floor be extended to Mr. Don Black.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz.:

By Mr. Weintraub.

H. B. No. 424. An Act relating to hospitals, with particular relation to the admission of patients and the allocation of bed and room facilities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. For the purposes of this Act, "hospital" means any institution operated for the purpose of providing, for compensation, medical or surgical care or treatment for the public.

§ 2. No person operating, managing, or in charge of a hospital shall, when request is made for the admission of a patient by any licensed physician practicing in this state, deny or delay admission of such patient if, at the time, there are in the hospital any bed or room facilities, suitable for the accommodation of such patient, not specifically reserved for a named patient who is to occupy the same within twenty-four hours.

§ 3. No person operating, managing or in charge of a hospital shall enter into any contract, agreement, understanding or arrangement with any physician or group of physicians pursuant to which any bed or room facilities in the hospital are to be reserved for unnamed patients of such physician or physicians, or pursuant to which any such

physician is allocated or assigned, for an unlimited or specified period of time, certain bed or room facilities for patients of such physician.

§ 4. It is hereby declared that hospitals are in the nature of public utilities, and shall be required to admit patients without discrimination between the physicians by whom admission is requested.

§ 5. Any person who violates any provision of this Act shall be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned in jail for not less than thirty days nor more than six months, or both.

By Mr. Ashcraft.

H. B. No. 425. An Act relating to individuals who are exempt from poll taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 142.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) All citizens of this state who are sixty-five years of age or older are exempt from all poll taxes.

(2) Any honorably discharged soldier, sailor or marine who has served ninety days or more in the military or naval forces of the United States, who was a resident of this state at the time of his induction into service, is exempt from all poll taxes.

H. B. No. 426. An Act proposing an amendment to Section 145 of the Constitution of Kentucky, relating to the qualifications of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It is proposed that Section 145 of the Constitution of Kentucky be amended to read as follows:

Every citizen of the United States of the age of eighteen years, who has resided in the State one year, and in the county six months, and in the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere; but the following persons are excepted and shall not have the right to vote:

First: Persons convicted in any court of competent jurisdicition of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage; but persons hereby excluded may be restored to their civil rights by Executive pardon.

Second: Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

Third: Idiots and insane persons.

§ 2. This amendment shall be submitted to the voters of the commonwealth for their ratification or rejection in the manner provided by Sections 256 and 257 of the Constitution and Sections 118.430 and 118.440 of the Kentucky Revised Statutes.

Ordered that said bills be printed and referred

Mr. Ward offered the following resolution, viz.:

H. Res. No. 57. A Joint Resolution authorizing Alvin Adkins of Paintsville, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, on the 9th day of September, 1947, while Alvin Adkins, of Paintsville, Kentucky, was engaged in the performance of his duties as an employe of the Division of Motor Transportation of the Commonwealth of Kentucky, he suf-

fered an accident which occurred without any negligence on his part, and,

Whereas, as a result of such accident, he sustained severe injuries which are alleged to have arisen out of and in the course of his employment, and

Whereas, the circumstances surrounding the injury of the said Alvin Adkins were such as to impose a moral obligation upon the Commonwealth:

Now, Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Alvin Adkins, of Paintsville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Johnson County Circuit Court for damages for personal injuries arising out of and in the course of his employment as an employe of the Commonwealth, for which damages the Commonwealth is morally responsible. Said suit shall be for a sum not in excess of Five Thousand Dollars.

The Attorney General may investigate the claim and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

The General Assembly hereby recognizes the moral responsibility of the Commonwealth for damages for the injuries of said Alvin Adkins, and in any suit that may be filed under authority of this resolution the jury shall have authority only to fix the amount of such damages.

Ordered that said resolution be printed and referred.

REPORT OF COMMITTEES

Mr. Prichard of the Committee on Alcoholic Control No. 1, to which the same had previously been reffered, reported a bill of the following title, viz.:

H. B. No. 278. An Act to amend subsection (1) of Section 242.230 of the Kentucky Revised Statutes.

With Committee amendment thereto by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz.:

An Act to amend subsection (1) of Section 243.230 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 243.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Licenses to sell distilled spirits and wine by the drink for consumption on the premises located within cities of the first, second or third class, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 and KRS 70.150 to 70.170, or for premises located in any county upon property which is owned by a county containing a city of the first, second or third class.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Baumgardner of the Committee on Judicial Council, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 334. An Act relating to the admission of persons to practice law in this state.

With Committee amendments thereto.

Said Committee amendments to said bill are as follows, viz.:

Committee Amendment No. 1.

Amend printed copy of House Bill No. 334, line 5, by striking out the words beginning on line 5, "required by the University of Kentucky School of Law or the University of Louisville School of Law, and has also graduated from either of those schools with the LL.B. Degree,"

And insert in lieu thereof on line 5 after the word "course"

"required by any law school located in Kentucky, approved by the American Bar Association, and has graduated from such school with the LL.B. Degree,".

Committee Amendment No. 2.

Amend House Bill No. 334, on page 1, by adding after line 15, the following clause:

"Whereas, persons graduating from law schools in the normal course of procedure, prior to the regular effective date prescribed by the Constitution for legislative Acts of the present General Assembly will be required to wait a period of several months before being admitted to the Bar, with the result that they will be deprived of the means of livelihood for which they are qualified and the public will be deprived of their services, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. No. 379. An Act relating to the distribution of school books.

S. B. No. 51. An Act making provisions for an agricultural production and marketing commission; prescribing its membership, powers and duties.

S. B. No. 49. An Act relating to the functions and powers of the division of markets in the Department of Agriculture, Labor and Statistics.

S. B. No. 50. An Act relating to the division of markets in the Department of Agriculture, Labor and Statistics, with particular relation to the compensation of the Director of the Division.

H. B. No. 399. An Act relating to banks and trust companies acting in fiduciary or similar capacities; amending KRS 287.220.

H. B. No. 300. An Act to abolish discriminatory wage rates in this Commonwealth based on sex, making it unlawful hereafter in this Commonwealth for any employer to employ any female in this Commonwealth at wage rates less than the rates paid by such employer to male employees for work comparable in character to that performed by such female employee or work on comparable operations, and providing for a commissioner of labor with full power and duty to carry out the enforcement thereof.

H. B. No. 370. An Act entitled an act providing a tax on Greyhound racing and providing how said tax shall be levied and collected and providing the means and method of levying and collecting same and providing penalties for the

violation thereof; to provide for a Greyhound Racing Commission; to prescribe its powers and duties; to fix its compensation; to provide for holding elections; to provide for licensing such racing and apportioning the moneys derived therefrom; prescribing thehours within which such racing may be conducted; to provide for the selling of combination or French pools within the enclosure of licensed race tracks; to provide penalties for the violation of this act and repealing any laws in conflict therewith.

H. B. No. 406. An Act to promote the safety of employees of and travelers upon railroads by requiring common carriers by railroad to man locomotives, trains, and other self-propelled engines or machines with competent employees.

H. B. No. 246. An Act relating to the annexation of certain classes of unincorporated territory by certain classes of cities.

With Committee amendment thereto.

H. B. No. 382. An Act relating to hotels, inns, tourist courts, rooming houses and other places offering rooms by the day or week, requiring a sign in each and every room so offered for rent, providing a method by which such rates may be raised, and penalties for failing to post such signs, and/or increasing said rates without first giving notice; and providing an emergency clause.

H. B. No. 396. An Act relating to the acquisition of utliity services for state park areas.

Ordered that said bills be read at length the second time.

Mr. John C. Watts moved that the Constitutional provision as to the second reading at length of said bills be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills having been dispensed with, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Burnley moved that the rules be suspended and the vote by which the clincher motion was applied to a bill of the following title, viz.:

H. B. No. 54. An Act relating to the classication of cities, amending Section 81.010 of the Kentucky Revised Statutes.

Be reconsidered.

Said motion was agreed to by a majority of the members elected.

Thereafter such reconsideration,

Mr. Burnley moved that the vote by which said bill was passed be reconsidered.

Said motion was agreed to by a majority of the members elected.

Thereafter such reconsideration,

Mr. Burnley moved that the vote by which Amendment No. 5 to said bill as proposed and adopted by the Senate was concurred in be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration.

Mr. Burnley moved that the House do now refuse to concur in said Amendment No. 5 to said bill as proposed and adopted by the Senate.

Said motion was agreed to.

Ordered that the Chief Clerk report the action of the House to the Senate.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 185. An Act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit or stripping method; regulating such mining; and providing penealties.

With Committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This act shall be deemed to be an exercise of the police powers of the Commonwealth for the general welfare of the people of the Commonwealth, by providing for the conservation and improvement of areas of land affected in the mining of bituminous coal by the open pit or stripping method, to aid thereby in the protection of birds and wild life, to enhance the value of such land for taxation, to decrease soil erosion, to aid in the prevention of the pollution of rivers and streams, to prevent combustion of unmined coal, and generally to improve the use and enjoyment of said lands.

Section 2. Short Title.—This act shall be known and may be cited as the "Bituminous Coal Open Pit Mining Conservation Act."

Section 3. Definitions.—The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

"Open pit mining" shall mean the mining or recovery of bituminous coal by removing the strata or material which

overlies or is above the coal deposit or seam in its natural condition.

"Pit" shall mean the place where bituminous coal is being mined by the open pit mining method.

"Operation" shall mean the pit or pits located upon a single tract of land or a continuous pit embracing or extending upon two or more contiguous tracts of land.

"Land" shall mean the surface of the land upon which open pit mining is conducted.

"Tract" shall mean a single parcel of land or two or more contiguous parcels of land with common ownership.

"Operator" shall mean a person, firm, corporation or partnership engaged in open pit mining, as a principal as distinguished from an agent or independent contractor, and, who is or becomes the owner of such coal as a result of such mining.

"Landowner" shall mean the person, firm, corporation or partnership, or the persons, firms, corporations or partnerships in whom the legal title to the land is vested.

"Overburden" shall mean the strata or material overlying a bituminous coal deposit in its natural state and shall mean such material before or after its removal by open pit mining.

"Spoil pile" shall mean the overburden and reject coal as it is piled or deposited in open pit mining.

"Area of land affected" shall mean the area of land from which the overburden is removed.

Section 4. Before any operator shall hereafter engage in open pit mining of bituminous coal within the Commonwealth, he shall register with the Department of Mines and Minerals of this Commonwealth by filing a certificate, on a form to be provided by the department, and giving information sufficient to identify the operator, and an estimate of the number of acres of land that the operator will affect by open pit mining during one year immediately following the date of filing. Contemporaneously with and as a part of said registration, the operator shall file with the Department of Mines and Minerals a bond on a form to be prescribed and furnished by

the department, payable to the Commonwealth and conditioned that the operator shall faithfully perform all of the requirements of this act. The bond shall be in the amount of two hundred dollars ($200.00) per acre based upon the number of of acres of coal which the operator estimates will be stripped by open pit mining during one year immediately thereafter: Provided, That no bond shall be for less than two thousand dollars ($2,000.00). Liability under such bond shall be for the duration of open pit mining at each operation, and for a period of five years thereafter, unless released prior thereto in a manner elsewhere provided by this act. Such bond shall be signed by the operator and a corporate surety licensed to do business in the Commonwealth: Provided, however, That the operator may elect to deposit cash or United States Government securities with the department in lieu of the surety bond. The cash deposit or par value of such securities shall be equal to the sum required for a bond and shall be upon the same terms and conditions. The Department of Mines and Minerals shall, upon receipt of any such deposit of cash or securities, immediately place the same with the State Treasurer, whose duty it shall be to receive and hold the same in the name of the Commonwealth, in trust, for the purposes for which such deposit is made. The State Treasurer shall at all times be responsible for the custody and safekeeping of such deposits. The operator making the deposit shall be entitled from time to time to demand and receive from the State Treasurer, on the written order of the Chief of the Department of Mines and Minerals the whole or any portion of any securities so deposited, upon depositing with him, in lieu thereof, other United States Government securities of a par value of at least equal to the sum required for a bond as aforesaid, and also to demand, receive and recover the interest and income from said securities as the same becomes due and payable: Provided, however, That where securities deposited as aforesaid, mature or are called, the State Treasurer, at the request of the operator, shall convert such securities into other acceptable securities designated by the operator. Contemporaneous with, and as a condition precedent to, the filing of said cer-

tificate and any renewal thereof, the operator shall pay to the department a filing fee of one hundred dollars ($100.00).

Section 5. Within thirty (30) days after starting the removal of overburden at an operation for the removal of coal by open pit mining, the operator shall file an operation report with the Department of Mines and Minerals on a form to be prescribed and furnished by the department, giving the following information: (a) Name or number of the operation; (b) Location of the operation as to county and with reference to the nearest public road; (c) A description of the tract or tracts by metes and bounds; and (d) The name and address of the landowner or the name and address of the landowner's duly authorized representative.

Section 6. Within six (6) months after the operation is finished or abandoned, the operator shall file with the Department of Mines and Minerals, a completion report on a form to be prescribed and furnished by the department, identifying the operation, stating the area of land affected by open pit mining, stating whether the operator intends to carry on drift mining upon the premises and what provision has been made therefor. The operator shall attach to the completion report a map of the operation certified by a registered professional engineer, showing the boundary lines of the tract or tracts, the access to the operation from the nearest public highway, the area of land affected by open pit mining, the locations preserved for drift mining, and the proposed plans in connection therewith.

Section 7. If the operation is not completed or abandoned within one year following the date of filing the certificate, the operator shall, within sixty (60 days after the end of said year, file with the Department of Mines and Minerals an annual report, on a form to be prescribed and furnished by the department, identifying the operation and stating the area of land affected by open pit mining during the year.

Section 8. Upon receipt of said completion report or annual report, the Department of Mines and Minerals shall charge the area affected by open pit mining against the bond or deposit filed by the operator at the time of registration at

the rate of two hundred dollars ($200.00) per acre. Should the area actually affected by open pit mining within the year exceed the estimate made at the time of registration, the operator shall, within thirty (30) days thereafter, file an amended certificate and additional bond. If the area actually affected by open pit mining during the year is less than the estimate, the department shall issue a release of the surplus of the bond or deposit upon which liability has not been charged as aforesaid.

Section 9. If the operator continues to engage in open pit mining of bituminous coal beyond the period for which the certificate has been filed, a renewal of the certificate shall be filed with the Department of Mines and Minerals, together with a bond or deposit in accordance therewith, as hereinbefore provided in the case of the original certificate.

Section 10. Within one year after the operation is completed, the operator shall place sufficient overburden in the open cut to cover the exposed face of the unmined coal, which shall begin at least three feet above the top of the coal and shall extend to the bottom of the pit at an angle not to exceed forty five (45) degrees, except high walls where strip mining cuts into active worked out or abandoned deep mine workings, in which case the angle shall not exceed forty-five (45) degrees from the top of such wall to the bottom thereof, and the peaks and ridges of spoilbanks shall be leveled and rounded off to such an extent as will permit the planting of trees, grasses or shrubs, and rejected coal and combustive material shall not be used on the high wall bank: Provided, however, That if the operator desires to conduct drift mining upon the premises he may designate drift locations at which places it will not be necessary to so place overburden over the face of the coal. Such drift locations shall be described in the completion report and designated on the map attached thereto: Provided also, That if the operator desires to use the open cut as a haulageway for the removal of coal from other operations, he may, with the consent of the Department of Mines and Minerals, postpone the covering of the exposed face of the unmined coal for the duration of such use.

Section 11. Within on year after the open pit mining operations on the premises are terminated, the operator shall plant trees, shrubs or grasses upon the lands affected by open pit mining, if the Director of the Division of Forestry shall find as a fact that such planting is reasonable, practicable and likely to succeed. When deemed necessary, the Director may extend the period for planting trees, shrubs or grasses beyond the limitations of the period of time provided in this act. Such planting shall be done in accordance with a plan or procedure prescribed by the Director of the Division of Forestry. The trees, shrubs or grasses shall become the property of the landowner, unless the operator and the landowner agree otherwise. The operator may secure the seeds, plants or seedlings from any source approved by the Director of the Division of Forestry.

Section 12. When the planting is completed the operator shall file a planting report with the Director of the Division of Forestry, on a form to be prescribed and furnished by the Director, giving the following information: (a) Identification of the operation; (b) The type of planting; (c) The date of planting; and (d) The area of land planted. The Director shall inspect the premises, either in person or by his duly authorized representative, within one (1) year after the planting report is filed. If the Director finds that the planting has been done in a workmanlike manner and that the area reported has been planted in accordance with the prescribed plan or procedure, the Director shall certify such performance to the Department of Mines and Minerals, and the department shall issue a release of the bond or of the cash or securities deposited in proportion to the area planted. Upon the presentation of such release the State Treasurer shall immediately return to the operator the amount of cash or securities specified in its release.

Section 13. The operator may for reasonable cause, with the consent and approval of the Director of the Division of Forestry, plant a similar area of land previously affected by open pit mining by himself or any other operator in lieu of planting the particular land covered by the bond, and thereby

be released from liability under the bond or deposit accordingly.

Section 14. If, upon inspection, the Director of the Division of Forestry does not approve the planting, he shall notify the operator in writing, setting forth the objections and reasons therefor. The operator may then take such steps as are required to remove the objections. Any operator or landowner, notwithstanding the operator may have registered as required by section four of this act, who shall be aggrieved by any requirement of this act or any administrative regulation, directive or order making application of the provisions of this act, shall have the right to file a petition in the circuit court of the county where the land is located, alleging therein the action complained of and praying for remedy thereof, and the said court shall proceed therein by rule or rules upon the proper administrative officer, body or authority to show cause why the petitioner should not have the remedy prayed for by his, her, or its petition. The court in such proceedings shall make such procedural orders as may be necessary for facilitating and expediting hearings and disposition of the matters complained of. From the desicision of the circuit court an appeal may be taken by either party to the Court of Appeals as in other causes. Every such petition shall specify the petitioner's objection to the action of the administrative offcer, body or authority, and such officer, body or authority, on or before the return day of the rule, shall make answer thereto and certify to the said circuit court, the record of the proceedings to which the petition refers. Such record shall include the testimony taken therein, the findings of fact, if any, of the officer, body or authority based upon such testimony, and a copy of all decisions and orders made by the said officer in the proceedings. The case shall be heard upon the record certified to the court as aforesaid. No additional testimony shall be taken before the court, but the court may, in proper cases, remit the record to the respondent for the taking of further testimony and from the record, the court may review, modify or affirm or make new findings of fact as well as decide the law applicable.

Section 15. If the operator fails or refuses to comply with the requirements of the act in any respect for which liability has been charged on the bond, the Department of Mines and Minerals shall declare such portion of the bond forfeited, and shall certify the same to the Attorney General, who shall proceed to sue out and collect the amount of liability forfeited thereon, and where the operator had deposited cash or securities in lieu of bond, the Department of Mines and Minerals shall declare such portion of said deposit forfeited, and shall direct the State Treasurer to pay said funds into the Bituminous Coal Open Pit Mining Reclamation Fund, or to proceed to sell said securities to the extent forfeited and pay the proceeds thereof into the Bituminous Coal Open Pit Mining Reclamation Fund. Any operator aggrieved by reason of forfeiting the bond or selling securities, as herein provided, shall have a right to contest such action and appeal as provided in section fourteen of this act.

Section 16. Any operator who proceeds to mine bituminous coal by the open pit mining method without having registered, as herein provided, shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding five thousand dollars ($5,000.00). The fine shall be payable to the county in which the violation occurs.

Section 17. The provisions of this act shall not apply to any person, partnership or corporation who does not mine in excess of two hundred and fifty (250) tons of coal in any period of twelve successive calendar months.

Section 18. All funds received by the Department of Mines and Minerals from registration fees, and from forfeiture of bonds, and of cash deposits and securities, shall be held by the State Treasurer in a special fund, separate and apart from all other moneys in the State Treasury, to be known as the "Bituminous Coal Open Pit Mining Reclamation Fund," and shall be used by the Division of Forestry for the sole purpose of foresting or reclaiming land affected by open pit mining or bituminous coal, and for such purposes are hereby specifically appropriated to the Division of Forestry. Funds received from the forfeiture of bonds and cash de-

posited in lieu of bonds shall be expended by the Division of Forestry upon lands situated in the county in which the operation upon which liability was charged on the bond is located, and the money in said fund to be spent at the discretion of such Division for back-filling or planting.

Said Committee amendments to said bill are as follows, viz.:

Committee Amendment No. 1.

Amend printed copy of House Bill No. 185 on page 2, section 4, lines 1 and 2, by striking all of lines 1 and 2 of Section 4 and inserting in lieu thereof the following:

Section 4. Before any officer shall hereafter engage in open pit mining of bituminous coal within the Commonwealth, or continue open pit mining operations heretofore commenced, whether upon land owned by such officer or upon land owned by another person, he shall register''

Committee Amendment No. 2.

Amend printed copy of House Bill No. 185, by striking all of Sections 11, 12 and 13, and all of lines 1 to 4, inclusive, of Section 14, and renumbering the sections of said bill so that

Section 14 will become Section 11.

Section 15 will become Section 12.

Section 16 will become Section 13.

Section 17 will become Section 14.

Section 18 will become Section 15.

Said Committee amendments to said bill were each and severally agreed to.

Mr. Beshear moved the Previous Question.

Whereupon, the Speaker Pro Tem announced, "Shall the main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	L. H. Jones	Glenn Rushing
Levi Baker	Ercel Kozee	Mrs. Rutherford
Bernhardt Bauer	W. E. McClure	James J. Shannon
Fred Beshear	F. G. Marquette	Paul E. Shannon
Chas. J. Bronston	Archie R. Moore	Jesse H. Shelton
Mrs. Mary Burnett	Davis Moore	John M. Spaulding
A. H. Calvert	Walter Moorman	Chas. L. Spillman
Earl W. Christian	Fred H. Morgan	G. W. Steinford
Robert Collins	E. C. Mullins	John M. Stumbo
Everett T. Cooper	Stanley Murphy	Albert Thomason
Horace T. Cull	Joe E. Nunn	Wilford S. Travis
James P. Hanratty	H. C. Patterson	Lawrence Watts
Carson Hibbitts	H. M. Pewitt	Morris Weintraub
E. R. Hilton	J. H. Polsgrove	Lynn Boyd Wells
R. N. Hubbard	E. F. Prichard	G. F. Williamson
Laban P. Jackson	Amos Runyan	Charles W. Wirsch
Kerby Jennings		

—49

Those who voted in the negative were—

Isaac M. Blevins	M. G. Howard	Lilburn S. Rogers
Perry M. Cross	Paul S. Jonas	D. B. Saylor
G. I. Drury	Harry K. Lowman	Harry Smith
Kermit Dwyer	Ed Marcum	G. C. Thornton
Henry J. Giles	C. D. Moberly	W. R. Tipton
N. M. Hamilton	L. W. Preston	Rodney Whitlow
D. W. Howard	Ottis Roberts	—20

Resolved that the title thereof be as aforesaid.

Mr. Beshear moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Enrolling Clerk of this House delivered a bill of the following title, viz.:

H. B. No. 199. An Act creating an Agricultural and Industrial Development Board; prescribing the powers and duties of said Board and making an appropriation for the operation thereof.

Which had been signed by the Speaker Pro Tem on February 27, 1948,

Duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. John C. Watts moved that the House do now recess for one hour.

Said motion was agreed to.

And then the House recessed.

One hour having expired, the Speaker resumed the Chair and called the House to order.

Mr. Salyer moved that the rules be suspended for the purpose of introducing a bill.

Said motion was agreed to by a majority of the members elected.

Thereupon a bill of the following title was introduced, viz.:

By Mrs. Burnett and Mr. Salyer.

H. B. No. 427. An Act relating to narcotic drugs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (14) of section 218.010 of the Kentucky Revised Statutes is amended to read as follows:

(14) "Narcotic drugs" means coca leaves, opium isonipecaine (the substance identified chemically as 1-methyl—4phenylpiperidine—4carboxylic acid ethyl ester), or any salt thereof by whatever trade name identified, cannabis,'Amidone' (the substance identified chemically as 4, 4-Diphenyl —6-Diemethylamino-Heptanone-3) or any salt or form thereof by whatever trade name identified, and every other substance neither chemically nor physically distinguishable from them.

Ordered that said bill be printed and referred.

The Enrolling Clerk of this House delivered bills of the following titles, viz.:

H. B. No. 312. An Act relating to the State Textbook Commission, its organization and duties.

H. B. No. 96. An Act relating to motor carriers as defined in KRS Chapter 281; with particular relation to reciprocity agreements with other states and the District of Columbia concerning taxes upon vehicles operated in interstate commerce.

Which had been signed by the Speaker on March 1, 1948.

Duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 152. An Act relating to Civil Service Employes in cities of the second and third classes, amending subsections (1) and (6) of Section 90.350 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of section 90.350 of the Kentucky Revised Statutes is hereby repealed, amended and reenacted so that, as re-enacted, it shall read as follows:

(1) The city manager of cities under the city manager plan, and in other cities the mayor or other appointing authority, shall make all civil service appointments, and the appointments shall be made only from the list of applicants certified to him by the civil service commission after examination, except appointments made in accordance with the provisions of subsection (6) of this Section. Appointments, except those made in accordance with the provisions of sub-

section (6) of this Section, shall be made only by the selection of one of the three holding the highest averages in the particular class and grade wherein the vacancy exists. Any person appointed contrary to the provisions of this Section shall acquire no civil service status or rights in said position.

Section 2. Subsection (6) of section 90.350 of the Kentucky Revised Statutes shall be, and the same is hereby repealed, amended and re-enacted so that, as re-enacted, it shall read as follows:

(6) Whenever, for any cause, there shall be a vacancy in any of the classified services, said vacancy shall be filled as follows and in the following order:

First, with the employee in that department having the highest seniority in the same classification willing to accept same;

Second, if said employee refuses to accept same, then with the employee in that department in the same classification having the next highest seniority willing to accept the position, and following such similar procedure within the classification until said position is filled;

Third, if there is no employee remaining in that classification, or if no employee therein chooses to accept said position, then with the employee in that department with the highest seniority in the next lower classification willing to accept same, and following the same order and procedure as set forth above within said next lower classification and, if necessary, successive lower classification until filled;

Fourth, if same is not then filled in the department, after following and exhausing the order of procedure above set forth, then with the employee having the highest seniority in any other department willing to accept same, and continuing down the list of employees in such other departments according to seniority, until filled;

Fifth, if not filled after the above order of procedure, then same shall be filled as set forth in Subsection (1) hereof,

Any employee, in accordance with the order set forth above, choosing to fill any such vacancy, shall succeed to and fill the vacancy, unless, upon charges made by the city that

said employee is not qualified to fill said vacancy, and after notice and upon trial to determine his qualifications in the same manner as is now required for the dismissal, suspension or reduction in grade or pay of an employee, it be established by the city that said employee has not the necessary qualifications to enable him to discharge the duties of the office or position in which the said vacancy occurs. Provided that, in case of a vacancy in the classified service, where peculiar and exceptional qualifications of a particular professional or educational character are required, upon satisfactory evidence that, for reasons stated in writing by the appointing authority, competitive examination in such case is impracticable, the commission may suspend the provisions requiring competitive examination under civil service.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Levi Baker	A. H. Calvert
Jason Alford	Bernhardt Bauer	Paul Carter
Roy W. Arnold	Fred Beshear	Earl W. Christian
Earl F. Ashcraft	Chas. J. Bronston	George I. Cline
Sidney Baer	Chas. W. Burnley	W. K. Coleman

Everett T. Cooper	Ercel Kozee	Mrs. Rutherford
Horace T. Cull	F. G. Marquette	LeRoy Saylor
Owen Deering	Davis Moore	James J. Shannon
Kermit Dwyer	Walter Moorman	Paul E. Shannon
N. M. Hamilton	Fred H. Morgan	James S. Shaw
James P. Hanratty	E. C. Mullins	Harry Smith
E. R. Hilton	Stanley Murphy	John M. Spaulding
C. J. Holsclaw	T. A. Noe, Jr.	Chas. L. Spillman
Richard R. Houpt	H. S. Overby	G. W. Steinford
Clyde S. Howard	H. C. Patterson	Albert Thomason
M. G. Howard	H. M. Pewitt	G. C. Thornton
R. N. Hubbard	L. W. Preston	Morris Weintraub
Ira W. Hulette	E. F. Prichard	Lynn Boyd Wells
Kerby Jennings	Ottis Roberts	Rodney Whitlow
Paul S. Jonas	Amos Runyan	G. F. Williamson
L. H. Jones	Glenn Rushing	—62

Resolved that the title thereof be as aforesaid

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that the said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 20. A Joint Resolution authorizing the personal representative of R. G. Hanner, deceased, of Providence, Kentucky, to sue the Commonwealth of Kentucky.

Mr. Hanratty moved that said resolution be recommitted.

Without objection said motion was agreed to, and said resolution was recommitted

To the Committee on Claims.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz.:

S. B. No. 141. An Act providing for the operation of canteens at State Welfare Institutions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there be established and maintained at each of the institutions operated by the Department of Welfare a canteen which shall be incorporated and self-supporting. The Directors of each canteen shall be as follows: the Commissioner of the Department of Welfare, the Director of the Division of Staff Services, the Director of the division under which the institution is operated, and the Superintendent and the Business Manager of the respective institutions where the canteens are located. All profits from each canteen shall be used exclusively for the benefit of the patients or inmates of the institution where operated.

S. B. No. 168. An Act to amend and reenact Subsection 38 of Section 23.050 of Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sub-Section 38 of Section 23.050 of Kentucky Revised Statutes, be and it is amended and re-enacted to read as follows:

Butler County, at Morgantown, on the first Monday in March, the first Monday in June, and the first Monday in November, twelve juridical days each.

Edmonson County, at Brownsville, on the third Monday in March, the third Monday in June and the third Monday in November, twelve juridical days each.

Muhlenberg County, at Greenville, on the first Monday in January, eighteen juridical days; the third Monday in Feb-

ruary, twelve juridical days; the first Monday in May, eighteen juridical days; the first Monday in July, twelve juridical days; the first Monday in September, eighteen juridical days; and the third Monday in October, twelve juridical days.

Ohio County, at Hartford, on the first Monday in April, the first Monday in August, and the first Monday in December, eighteen juridical days each.

No other part of Section 23.050 of Kentucky Revised Statutes shall be affected by this amendment.

Due to congestion of the docket in the 38th Judicial District, an emergency is hereby declared to exist, and this act shall become effective upon its passage and approval by the Governor.

S. B. No. 182. An Act repealing, amending and re-enacting Section 28.300 of the Kentucky Revised Statutes relating to the number and compensation of deputies of Circuit Court Clerks and County Court Clerks in Counties containing a population of 75,000 or more.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.300 of the Kentucky Revised Statutes is repealed, amended and re-enacted to read as follows:

(1) In each County containing a population of 75,000 or more, the number of deputies allowed to Circuit Court Clerks and County Court Clerks, and the compensation allowed to such deputies, shall be fixed as provided in subsection (2), (3), (4) and (5) of this Section, by an order entered upon the Order Book of the Circuit Court and County Court, and signed by a majority of the Judges of said Courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

(2) (a) In Counties containing a population of 75,000 or more and up to 90,000, the salary of the chief deputy Cir-

cuit Court Clerk shall be fixed at a reasonable amount not exceeding $2,500 per annum, and the salaries of the other deputy Circuit Clerks shall be at a reasonable amount not exceeding $2,000 per annum.

(b) In Counties containing a population of 90,000 or more and up to 200,000, the salary of the chief deputy Circuit Court Clerk shall be fixed at a reasonable amount not exceeding $300,000 per annum, and the salaries of the first two deputy Circuit Court Clerks shall be fixed at reasonable amount not to exceed at $2,500 per annum. The salaries of the other deputy Circuit Court Clerks shall be fixed at reasonable amounts not to exceed $2,000 per annum.

(c) In Counties having a population of 200,000 or over, the salary of the chief deputy Circuit Court Clerk shall be fixed at a reasonable amount not exceeding $4,000 per annum, and the salary of one deputy Circuit Court Clerk, who shall act as cashier, shall be fixed at a reasonable amount not to exceed $3,500 per annum, and the salary of each of the other deputy Circuit Court Clerks shall be fixed at a reasonable amount not exceeding $3,000 per annum.

(3) In Counties containing a population of 75,000 or more and up to 90,000, the salaries of the first four deputy County Clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed $2,500 per annum. The salaries of each of the other deputy County Clerks in such counties shall be fixed at a reasonable amount not exceeding $2,000 per annum.

(4) In Counties containing a population of 90,000 or more and up to 200,000, the salary of the chief deputy County Clerk shall be fixed at a reasonable amount not exceeding $3,600 per annum and the salaries of the next four deputy County Court Clerks shall be fixed at reasonable amounts, which need not be the same, and none which shall exceed $3,000 per annum. The salaries of each of the other deputy County Court Clerks in such counties shall be fixed at a reasonable amount not exceeding $2,400 per annum.

(5) In Counties having a population of 200,000 or over, the salary of the Chief Deputy County Clerk shall be fixed at a reasonable amont not exceeding $4,000 per annum, and

the salaries of the next three (3) deputy County Court Clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed $3,500 per annum. The salaries of each of the other deputy County Court Clerks in such Counties, shall be fixed at a reasonable amount not to exceed $2,400 per annum.

(6) Whereas, severe hardships are being caused as a result of inflated prices, making it difficult to hire and keep competent deputy clerks, an emergency is declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bills be printed and referred.

Mrs. Rutherford moved that the rules be suspended for the purpose of offering a resolution.

Said motion was agreed to by a majority of the members elected.

Whereupon, Mrs. Rutherford offered the following resolution, viz.:

H. Res. A. Whereas, this age of increasing motor transportation, cars of greater speed and power, and competition between air and ground freight and travel, demands a program of superhighways;

Whereas, many states are now formulating plans for such highways; and

Whereas, this Legislative Assembly wishes to be recorded as the first to conceive this program for the Commonwealth of Kentucky,

Be It Resolved that the Members of this House request the Highway Commissioner to make a study and plans for a superhighway for the Commonwealth of Kentucky and to present same to the 1950 General Assembly.

Mrs. Rutherford moved that the House do now adopt said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

The House then took up for consideration from the Orders of the Day a resolution of the following title, viz.:

H. Res. No. 13. A Joint Resolution authorizing Johnny Runner to sue the Commonwealth of Kentucky.

Said Resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Johnny Runner is authorized to sue the Commonwealth of Kentucky in Rowan Circuit Court for damages resulting from personal injury sustained by him while in the employ of the Morehead State Teachers College, a State Institution.

Said suit shall be for a sum not in excess of $1,500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if deems it advisable. Any amount recovered in said court or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon in argument to the jury.

Ordered that said resolution be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Owen Deering	Harry K. Lowman
Jason Alford	G. I. Drury	W. E. McClure
Earl F. Ashcraft	Kermit Dwyer	F. G. Marquette
Sidney Baer	Henry C. Hale	C. D. Moberly
Levi Baker	N. M. Hamilton	Archie R. Moore
Bernhardt Bauer	James P. Hanratty	Davis Moore
C. E. Baumgardner	Carson Hibbitts	Fred H. Morgan
Fred Beshear	E. R. Hilton	E. C. Mullins
Isaac M. Blevins	C. J. Holsclaw	Stanley Murphy
Chas. J. Bronston	Richard R. Houpt	T. A. Noe, Jr.
Mrs. Mary Burnett	Clyde S. Howard	Joe E. Nunn
Chas. W. Burnley	M. G. Howard	H. S. Overby
A. H. Calvert	R. N. Hubbard	H. C. Patterson
Paul Carter	Ira W. Hulette	H. M. Pewitt
Earl W. Christian	Laban P. Jackson	J. H. Polsgrove
George I. Cline	Kerby Jennings	L. W. Preston
W. K. Coleman	Paul S. Jonas	E. F. Prichard
Robert Collins	J. Ernest Jones	Hobart Rayburn
Everett T. Cooper	L. H. Jones	Ottis Roberts
Horace T. Cull	Ercel Kozee	Lilburn S. Rogers

Amos Runyan	James S. Shaw	Wilford S. Travis
Glenn Rushing	John M. Spaulding	W. J. Ward
Mrs. Rutherford	Chas. L. Spillman	Lawrence Watts
Dr. K. N. Salyer	G. W. Steinford	Lynn Boyd Wells
LeRoy Saylor	John M. Stumbo	Rodney Whitlow
James J. Shannon	Albert Thomason	G. F. Williamson
Paul E. Shannon	G. C. Thornton	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. No. 17. A Joint Resolution authorizing the personal representative of R. G. Hanner, deceased, of Providence, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of R. G. Hanner, deceased, is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damages to crops during the years 1941, 1942, 1943, 1944 and 1945, grown on the farm of said R. G. Hanner in Webster County, Kentucky, on the west side thereof and east of U. S. Highway 41, and being aproximately four miles east of Providence, Kentucky, which land lies upon the waters of Bull Creek, a portion of which has be reconstructed into what is known as the I. N. Baker Ditch, and which farm contains approximately 160 acres.

Said damage is alleged to have been caused by overflows of Bull Creek or the I. N. Baker Public Ditch, which creek or

ditch passes under a bridge erected and constructed and being maintained by the Highway Department of Kentucky on U. S. Highway 41, which ditch flows from east to west and across the said farm of said R. G. Hanner westwardly. The said overflows are alleged to have been due to the fact that the opening is not sufficient to permit passage of the waters from ordinary rainfalls in that vicinity, which resulted in damages to the crops of the said R. G. Hanner during said years.

Said suit shall be for a sum not in excess of $2900.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the Jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Levi Baker	Isaac M. Blevins
Jason Alford	Bernhardt Bauer	Chas. J. Bronston
Earl F. Ashcraft	C. E. Baumgardner	Mrs. Mary Burnett
Sidney Baer	Fred Beshear	Chas. W. Burnley

A. H. Calvert	Kerby Jennings	Ottis Roberts
Paul Carter	Paul S. Jonas	Lilburn S. Rogers
Earl W. Christian	J. Ernest Jones	Amos Runyan
George I. Cline	L. H. Jones	Glenn Rushing
W. K. Coleman	Ercel Kozee	Mrs. Rutherford
Robert Collins	Harry K. Lowman	Dr. K. N. Salyer
Everett T. Cooper	W. E. McClure	LeRoy Saylor
Horace T. Cull	F. G. Marquette	James J. Shannon
Owen Deering	C. D. Moberly	Paul E. Shannon
G. I. Drury	Archie R. Moore	James S. Shaw
Kermit Dwyer	Davis Moore	John M. Spaulding
Henry C. Hale	Fred H. Morgan	Chas. L. Spillman
N. M. Hamilton	E. C. Mullins	G. W. Steinford
James P. Hanratty	Stanley Murphy	John M. Stumbo
Carson Hibbitts	T. A. Noe, Jr.	Albert Thomason
E. R. Hilton	Joe E. Nunn	G. C. Thornton
C. J. Holsclaw	H. S. Overby	Wilford S. Travis
Richard R. Houpt	H. C. Patterson	W. J. Ward
Clyde S. Howard	H. M. Pewitt	Lawrence Watts
M. G. Howard	J. H. Polsgrove	Lynn Boyd Wells
R. N. Hubbard	L. W. Preston	Rodney Whitlow
Ira W. Hulette	E. F. Prichard	G. F. Williamson
Laban P. Jackson	Hobart Rayburn	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. No. 15. A Joint Resolution authorizing Curtis Pigman to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Curtis Pigman is authorized to sue the Commonwealth of Kentucky in the Knott County Circuit Court for damages resulting from property damage caused by alleged negligence on the part of the employes of the Department of Highways of Kentucky while said employes were in the line of duty as employes of this Commonwealth.

Said suit shall be for a sum not in excess of $500.00.

The Attorney General for the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Sate Fund upon a warrant drawn by the Commissioner of Finance up the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays beign taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	C. E. Baumgardner	A. H. Calvert
Alford Jason	Fred Beshear	Paul Carter
Earl F. Ashcraft	Isaac M. Blevins	Earl W. Christian
Sidney Baer	Chas. J. Bronston	George I. Cline
Levi Baker	Mrs. Mary Burnett	W. K. Coleman
Bernhardt Bauer	Chas. W. Burnley	Robert Collins

Everett T. Cooper	Ercel Kozee	Amos Runyan
Horace T. Cull	Harry K. Lowman	Glenn Rushing
Owen Deering	W. E. McClure	Mrs. Rutherford
G. I. Drury	F. G. Marquette	Dr. K. N. Salyer
Kermit Dwyer	C. D. Moberly	LeRoy Saylor
Henry C. Hale	Archie R. Moore	James J. Shannon
N. M. Hamilton	Davis Moore	Paul E. Shannon
James P. Hanratty	Fred H. Morgan	James S. Shaw
Carson Hibbitts	E. C. Mullins	John M. Spaulding
E. R. Hilton	Stanley Murphy	Chas. L. Spillman
C. J. Holsclaw	T. A. Noe, Jr.	G. W. Steinford
Richard R. Houpt	Joe E. Nunn	John M. Stumbo
Clyde S. Howard	H. S. Overby	Albert Thomason
M. G. Howard	H. C. Patterson	G. C. Thornton
R. N. Hubbard	H. M. Pewitt	Wilford S. Travis
Ira W. Hulette	J. H. Polsgrove	W. J. Ward
Laban P. Jackson	L. W. Preston	Lawrence Watts
Kerby Jennings	E. F. Prichard	Lynn Boyd Wells
Paul S. Jonas	Hobart Rayburn	Rodney Whitlow
J. Ernest Jones	Ottis Roberts	G. F. Williamson
L. H. Jones	Lilburn S. Rogers	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

S. Res. No. 8. A Joint Resolution authorizing Mell T. Prather to sue the Commonwealth of Kentucky and the Department of Highways of the Commonwealth of Kentucky, either or both.

Said resolution is as follows, viz.:

Whereas, Mell T. Prather, a Rural Mail Carrier out of Almo, Calloway County, Kentucky, on the 19th day of Au-

gust, 1944, was injured and his automobile destroyed by reason of the fact that while the said Mell T. Prather was driving his automobile on the Almo, Calloway County, Kentucky, Rural Mail Route, and while he was driving on his right side of the road, a Kentucky State Highway truck No. 2993, and driven by an employee of the Kentucky State Highway Department, was driven in such a careless and negligent manner as to cause a head-on collision with the said automobile driven by said Mell T. Prather;

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Mell T. Prather be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Department of Highways of the Commonwealth of Kentucky, either or both, in the Calloway Circuit Court, Calloway County, Kentucky, for damages resulting from personal injury and property damages caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky and while he was in line of duty as an employee of this Commonwealth and because of the conditions and negligence hereinabove set out.

Said suit shall be for a sum not in excess of One-Thousand ($1,000.00) Dollars for personal injury and Eight-Hundred ($800.00) Dollars for property damage.

No plea of limitation shall be interposed.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and the State Department of Highways of the Commonwealth of Kentucky herein and settle said claim before suit is filed, if he deems advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered either by the Court or jury as an admission of negligence upon the

part of the Commonwealth, or of any of its agencies or employees and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	J. H. Polsgrove
Jason Alford	C. J. Holsclaw	L. W. Preston
Earl F. Ashcraft	Richard R. Houpt	E. F. Prichard
Sidney Baer	Clyde S. Howard	Hobart Rayburn
Levi Baker	M. G. Howard	Ottis Roberts
Bernhardt Bauer	R. N. Hubbard	Lilburn S. Rogers
C. E. Baumgardner	Ira W. Hulette	Amos Runyan
Fred Beshear	Laban P. Jackson	Glenn Rushing
Isaac M. Blevins	Kerby Jennings	Mrs. Rutherford
Chas. J. Bronston	Paul S. Jonas	Dr. K. N. Salyer
Mrs. Mary Burnett	J. Ernest Jones	LeRoy Saylor
Chas. W. Burnley	L. H. Jones	James J. Shannon
A. H. Calvert	Ercel Kozee	Paul E. Shannon
Paul Carter	Harry K. Lowman	James S. Shaw
Earl W. Christian	W. E. McClure	John M. Spaulding
George I. Cline	F. G. Marquette	Chas. L. Spillman
W. K. Coleman	C. D. Moberly	G. W. Steinford
Robert Collins	Archie R. Moore	John M. Stumbo
Everett T. Cooper	Davis Moore	Albert Thomason
Horace T. Cull	Fred H. Morgan	G. C. Thornton
Owen Deering	E. C. Mullins	Wilford S. Travis
G. I. Drury	Stanley Murphy	W. J. Ward
Kermit Dwyer	T. A. Noe, Jr.	Lawrence Watts
Henry C. Hale	Joe E. Nunn	Lynn Boyd Wells
N. M. Hamilton	H. S. Overby	Rodney Whitlow
James P. Hanratty	H. C. Patterson	G. F. Williamson
Carson Hibbitts	H. M. Pewitt	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the follwing title, viz.:

S. Res. N. 14. A Joint Resolution authorizing Dan T. Martin to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dan T. Martin is authorized to sue the Commonwealth of Kentucky in the Knott County Circuit Court for damages resulting from automobile damage caused by alleged negligence on the part of the employes of the Department of Highways of Kentucky while said employes were in the line of duty as employes of this Commonwealth.

Said suit shall be for a sum not in excess of $500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Knott Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence on the part of the Commonwealth and this resolution shall not be

introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	N. M. Hamilton	Stanley Murphy
Jason Alford	James P. Hanratty	T. A. Noe, Jr.
Earl F. Ashcraft	Carson Hibbitts	Joe E. Nunn
Sidney Baer	E. R. Hilton	H. S. Overby
Levi Baker	C. J. Holsclaw	H. C. Patterson
Bernhardt Bauer	Richard R. Houpt	H. M. Pewitt
C. E. Baumgardner	Clyde S. Howard	J. H. Polsgrove
Fred Beshear	M. G. Howard	L. W. Preston
Isaac M. Blevins	R. N. Hubbard	E. F. Prichard
Chas. J. Bronston	Ira W. Hulette	Hobart Rayburn
Mrs. Mary Burnett	Laban P. Jackson	Ottis Roberts
Chas. W. Burnley	Kerby Jennings	Lilburn S. Rogers
A. H. Calvert	Paul S. Jonas	Amos Runyan
Paul Carter	J. Ernest Jones	Glenn Rushing
Earl W. Christian	L. H. Jones	Mrs. Rutherford
George I. Cline	Ercel Kozee	Dr. K. N. Salyer
W. K. Coleman	Harry K. Lowman	LeRoy Saylor
Robert Collins	W. E. McClure	James J. Shannon
Everett T. Cooper	F. G. Marquette	Paul E. Shannon
Horace T. Cull	C. D. Moberly	James S. Shaw
Owen Deering	Archie R. Moore	John M. Spaulding
G. I. Drury	Davis Moore	Chas. L. Spillman
Kermit Dwyer	Fred H. Morgan	G. W. Steinford
Henry C. Hale	E. C. Mullins	John M. Stumbo

Albert Thomason	W. J. Ward	Rodney Whitlow
G. C. Thornton	Lawrence Watts	G. F. Williamson
Wilford S. Travis	Lynn Boyd Wells	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the follwing title, viz.:

H. Res. No. 9. A Joint Resolution authorizing B. H. Kelley to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Whereas, the General Assembly of the Commonwealth of Kentucky, at its 1944 session, passed Senate Resolution No. 31 authorizing B. H. Kelley to sue the Commonwealth of Kentucky, and

Whereas the said deed and all proof of the said B. H. Kelley was at that time filed with the General Assembly and the Committee on Claims, and

Whereas the said Senate Resolution No. 31 was vetoed by the then Governor, Simieon S. Willis,

Now, Therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That B. H. Kelley is hereby authorized to sue the Commonwealth of Kentucky, in either the Henry Circuit Court or the Franklin Circuit Court, for damaged caused to his property by the Kentucky State Highway Department in the construction of a road from Gest to Lockport, which said

road was never constructed, and which said damage was done by the Department of Highways of the Commonwealth of Kentucky acting under a free deed given to the Commonwealth of Kentucky by the said B. H. Kelley. Said suit shall be in a sum not to exceed Twenty-five Hundred ($2500) Dollars, and the Statute of Limitation shall not bind the filing of said action.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, as he deems is advisable. Any amount recovered in said sum or by settlement with the Attorney General shall be paid out of the Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event said suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in his resoultion shall be considered by either the court or jury as an admission of negligence on the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Sidney Baer	C. E. Baumgardner
Jason Alford	Levi Baker	Fred Beshear
Earl F. Ashcraft	Bernhardt Bauer	Isaac M. Blevins

Chas. J. Bronston	Ira W. Hulette	Hobart Rayburn
Mrs. Mary Burnett	Laban P. Jackson	Ottis Roberts
Chas. W. Burnley	Kerby Jennings	Lilburn S. Rogers
A. H. Calvert	Paul S. Jonas	Amos Runyan
Paul Carter	J. Ernest Jones	Glenn Rushing
Earl W. Christian	L. H. Jones	Mrs. Rutherford
George I. Cline	Ercel Kozee	Dr. K. N. Salyer
W. K. Coleman	Harry K. Lowman	LeRoy Saylor
Robert Collins	W. E. McClure	James J. Shannon
Everett T. Cooper	F. G. Marquette	Paul E. Shannon
Horace T. Cull	C. D. Moberly	James S. Shaw
Owen Deering	Archie R. Moore	John M. Spaulding
G. I. Drury	Davis Moore	Chas. L. Spillman
Kermit Dwyer	Fred H. Morgan	G. W. Steinford
Henry C. Hale	E. C. Mullins	John M. Stumbo
N. M. Hamilton	Stanley Murphy	Albert Thomason
James P. Hanratty	T. A. Noe, Jr.	G. C. Thornton
Carson Hibbitts	Joe E. Nunn	Wilford S. Travis
E. R. Hilton	H. S. Overby	W. J. Ward
C. J. Holsclaw	H. C. Patterson	Lawrence Watts
Richard R. Houpt	H. M. Pewitt	Lynn Boyd Wells
Clyde S. Howard	J. H. Polsgrove	Rodney Whitlow
M. G. Howard	L. W. Preston	G. F. Williamson
R. N. Hubbard	E. F. Prichard	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. No. 16. A Joint Resolution authorizing Maude Turner Herald to file suit against the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocational School, or any one or more of them.

Said reslution is as follows, viz.:

Whereas, on February 22, 1943, Maude Turner Herald, a resident of Coombs, Perry County, Kentucky, was seriously and permanently injured while working as an electric welder at the Mayo State Vocational School or branch thereof in Perry County, Kentucky. Said Mayo State Vocational School was under the control and supervision of the State Board of Education, and said State Board of Education is an authorized agency of the Commonwealth of Kentucky. While working as an electric welder, said Maude Turner Herald was injured as a result of the negligence and cerelessness of the Mayo State Vocational School, the State Board of Education and the employees and agents of the Commonwealth of Kentucky in their failure to furnish her a safe place in which to work. Said Maude Turner Herald was injured when an emery wheel broke in two and a portion of it struck Maude Turner Herald in the head. Said emery wheel was defective and lacked necessary safety guards.

Whereas, her injuries and damages are in an amount greater than $1,000.00 and, therefore, her claim is not one that can be brought properly before the Board of Claims as provided in KRS 176.290.

Now, in order that Mude Turner Herald may have her day in court to determine by judicial action the question of negligence, if any, causing injuries aforesaid,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Maude Turner Herald or, in the event of her death before or during the prosecution of this action to its final conclusion, her executor or administrator or, in the event that she becomes incompetent as the result of this injury, her committee be and she is hereby empowered and authorized to sue the Commonwealth of Kentucky, the Department of Education and the Mayo State Vocation School or any one or more of them, in the Perry Circuit Court or the Franklin Circuit Court, for damages resulting from personal injuries, medical expense and lost time caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky, the De-

partment of Education and the Mayo State Vocational School while said employees were in the line of duty as agents of the Commonwealth of Kentucky and while acting within the scope of their authority.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable. Said suit shall not be for a sum in excess of $15,000.00.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In event suit is filed and judgment renered by the Circuit Court, either party may appeal to the Court of Appeals.

The statute of limitations shall not begin to run in favor of the Commonwealth until this act becomes effective.

No statement in this resolution shall be considered by either the court or a jury as an admission of neglience upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length, being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	Earl W. Christian
Jason Alford	Isaac M. Blevins	George I. Cline
Earl F. Ashcraft	Chas. J. Bronston	W. K. Coleman
Sidney Baer	Mrs. Mary Burnett	Robert Collins
Levi Baker	Chas. W. Burnley	Everett T. Cooper
Bernhardt Bauer	A. H. Calvert	Horace T. Cull
C. E. Baumgardner	Paul Carter	Owen Deering

G. I. Drury	W. E. McClure	Glenn Rushing
Kermit Dwyer	F. G. Marquette	Mrs. Rutherford
Henry C. Hale	C. D. Moberly	Dr. K. N. Salyer
N. M. Hamilton	Archie R. Moore	LeRoy Saylor
James P. Hanratty	Davis Moore	James J. Shannon
Carson Hibbitts	Fred H. Morgan	Paul E. Shannon
E. R. Hilton	E. C. Mullins	James S. Shaw
C. J. Holsclaw	Stanley Murphy	John M. Spaulding
Richard R. Houpt	T. A. Noe, Jr.	Chas. L. Spillman
Clyde S. Howard	Joe E. Nunn	G. W. Steinford
M. G. Howard	H. S. Overby	John M. Stumbo
R. N. Hubbard	H. C. Patterson	Albert Thomason
Ira W. Hulette	H. M. Pewitt	G. C. Thornton
Laban P. Jackson	J. H. Polsgrove	Wilford S. Travis
Kerby Jennings	L. W. Preston	W. J. Ward
Paul S. Jonas	E. F. Prichard	Lawrence Watts
J. Ernest Jones	Hobart Rayburn	Lynn Boyd Wells
L. H. Jones	Ottis Roberts	Rodney Whitlow
Ercel Kozee	Lilburn S. Rogers	G. F. Williamson
Harry K. Lowman	Amos Runyan	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed be reconsedered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. No. 11. A Joint Resolution authorizing C. Bruce Daniel to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That C. Bruce Daniel is authorized to sue the Commonwealth of Kentucky in Shelby Circuit Court for damage to his

car resulting from a collision caused by a State owned vehicle then under the control of the Kentucky Children's Home, a State institution.

Said suit shall be for a sum not in excess of $500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said court or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment renered by the circuit court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon in argument to the jury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. J. Bronston	Everett T. Cooper
Jason Alford	Mrs. Mary Burnett	Horace T. Cull
Earl F. Ashcraft	Chas. W. Burnley	Owen Deering
Sidney Baer	A. H. Calvert	G. I. Drury
Levi Baker	Paul Carter	Kermit Dwyer
Bernhardt Bauer	Earl W. Christian	Henry C. Hale
C. E. Baumgardner	George I. Cline	N. M. Hamilton
Fred Beshear	W. K. Coleman	James P. Hanratty
Isaac M. Blevins	Robert Collins	Carson Hibbitts

E. R. Hilton	Davis Moore	Dr. K. N. Salyer
C. J. Holsclaw	Fred H. Morgan	LeRoy Saylor
Richard R. Houpt	E. C. Mullins	James J. Shannon
Clyde S. Howard	Stanley Murphy	Paul E. Shannon
M. G. Howard	T. A. Noe, Jr.	James S. Shaw
R. N. Hubbard	Joe E. Nunn	John M. Spaulding
Ira W. Hulette	H. S. Overby	Chas. L. Spillman
Laban P. Jackson	H. C. Patterson	G. W. Steinford
Kerby Jennings	H. M. Pewitt	John M. Stumbo
Paul S. Jonas	J. H. Polsgrove	Albert Thomason
J. Ernest Jones	L. W. Preston	G. C. Thornton
L. H. Jones	E. F. Prichard	Wilford S. Travis
Ercel Kozee	Hobart Rayburn	W. J. Ward
Harry K. Lowman	Ottis Roberts	Lawrence Watts
W. E. McClure	Lilburn S. Rogers	Lynn Boyd Wells
F. G. Marquette	Amos Runyan	Rodney Whitlow
C. D. Moberly	Glenn Rushing	G. F. Williamson
Archie R. Moore	Mrs. Rutherford	Charles W. Wirsch

—81

Resolved that the title thereof be aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. No. 23. A Joint Resolution authorizing the payment of Sheriffs' fees as provided in KRS 64.070, to Charles V. Hall of Jeffersontown, Kentucky, for transportation of certain prisoners from Gallatin County, Kentucky, to the Kentucky State Reformatory at LaGrange, Kentucky, during 1944 and 1945.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Charles V. Hall while duly elected and acting as Sheriff of Gallatin County, Kentucky, did on the 26th day of November, 1944, as provided by Law and instructed by the proper Court, transport the bodies of three prisoners, to wit: Hezzie Ervin, Ze Martin and Huston Duff, from the said Gallatin County, Kentucky, to the Kentucky State Reformatory at LaGrange, Ky., for which services he would in accordance with the terms of KRS 64.070 be entitled to a reimbursement from the State Treasurer in the amount of $21.50; that on the 29th day of June, 1945, the said Hall while acting in the same capacity and same direction did transport the body of one Elmer Scharfenberger from the said Gallatin County, Kentucky, to the Kentucky State Reformatory at LaGrange, Kentucky, and that under said provision of Law the said Hall would be entitled to a reimbursement of $11.25 from the Treasurer of the State of Kentucky.

It appearing that said claims for reimbursement were not presented for payment by the Commonwealth of Kentucky within the statutory time as provided by Law, and if further appearing the said claims are just and honest claims against the Commonwealth of Kentucky, the Commissioner of Finance of the Commonwealth of Kentucky is hereby authorized and directed to draw his warrant upon the State Treasurer in the sum of $32.75 in favor of the said Charles V. Hall in payment of the said claims and no provision, or provisions, of Law or regulation shall bar the said payment and the amount necessary to pay said claims, being $32.75, is hereby appropriated out of the General Fund for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Earl F. Ashcraft	Levi Baker
Jason Alford	Sidney Baer	Bernhardt Bauer

C. E. Baumgardner	D. W. Howard	E. F. Prichard
Fred Beshear	M. G. Howard	Ottis Roberts
Isaac M. Blevins	R. N. Hubbard	Lilburn S. Rogers
Chas. J. Bronston	Ira W. Hulette	Amos Runyan
Mrs. Mary Burnett	Laban P. Jackson	Glenn Rushing
A. H. Calvert	Kerby Jennings	Mrs. Rutherford
Paul Carter	Paul S. Jonas	Dr. K. N. Salyer
Earl W. Christian	J. Ernest Jones	D. B. Saylor
George I. Cline	L. H. Jones	LeRoy Saylor
W. K. Coleman	Ercel Kozee	James J. Shannon
Robert Collins	W. E. McClure	Paul E. Shannon
Everett T. Cooper	F. G. Marquette	James S. Shaw
Horace T. Cull	C. D. Moberly	Harry Smith
Owen Deering	Archie R. Moore	John M. Spaulding
G. I. Drury	Davis Moore	Chas. L. Spillman
Kermit Dwyer	Walter Moorman	G. W. Steinford
Henry J. Giles	Fred H. Morgan	John M. Stumbo
Henry C. Hale	E. C. Mullins	Albert Thomason
N. M. Hamilton	Stanley Murphy	G. C. Thornton
James P. Hanratty	T. A. Noe, Jr.	W. J. Ward
Carson Hibbitts	Joe E. Nunn	Lawrence Watts
E. R. Hilton	H. S. Overby	Morris Weintraub
C. J. Holsclaw	H. M. Pewitt	Rodney Whitlow
Richard R. Houpt	J. H. Polsgrove	G. F. Williamson
Clyde S. Howard	L. W. Preston	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. No. 8. A Joint Resolution authorizing the payment of witness claims and a pauper idiot claim duly allowed by the Breathitt Circuit Court and owned by the First National Bank of Jackson, Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the First National Bank of Jackson, Kentucky, is now the owner of witness claims and a pauper idiot claim allowed in the Breathitt Circuit Court at the February and June, 1944, terms, in the total amount of $177.14.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to draw his warrant upon the State Treasurer in the sum of $177.14 in favor of The First National Bank of Jackson, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claim, being $177.14, is hereby appropriated out of the General Fund for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. J. Bronston	Horace T. Cull
Jason Alford	Mrs. Mary Burnett	Owen Deering
Earl F. Ashcraft	A. H. Calvert	G. I. Drury
Sidney Baer	Paul Carter	Kermit Dwyer
Levi Baker	Earl W. Christian	Henry J. Giles
Bernhardt Bauer	George I. Cline	Henry C. Hale
C. E. Baumgardner	W. K. Coleman	N. M. Hamilton
Fred Beshear	Robert Collins	James P. Hanratty
Isaac M. Blevins	Everett T. Cooper	Carson Hibbitts

E. R. Hilton	Davis Moore	D. B. Saylor
C. J. Holsclaw	Walter Moorman	LeRoy Saylor
Richard R. Houpt	Fred H. Morgan	James J. Shannon
Clyde S. Howard	E. C. Mullins	Paul E. Shannon
D. W. Howard	Stanley Murphy	James S. Shaw
M. G. Howard	T. A. Noe, Jr.	Harry Smith
R. N. Hubbard	Joe E. Nunn	John M. Spaulding
Ira W. Hulette	H. S. Overby	Chas. L. Spillman
Laban P. Jackson	H. M. Pewitt	G. W. Steinford
Kerby Jennings	J. H. Polsgrove	John M. Stumbo
Paul S. Jonas	L. W. Preston	Albert Thomason
J. Ernest Jones	E. F. Prichard	G. C. Thornton
L. H. Jones	Ottis Roberts	W. J. Ward
Ercel Kozee	Lilburn S. Rogers	Lawrence Watts
W. E. McClure	Amos Runyan	Morris Weintraub
F. G. Marquette	Glenn Rushing	Rodney Whitlow
C. D. Moberly	Mrs. Rutherford	G. F. Williamson
Archie R. Moore	Dr. K. N. Salyer	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the day a resolution entitled:

H. Res. No. 30. A Joint Resolution authorizing the payment of judges' examining trial fees as provided by Kentucky Revised Statutes 26.180 and 64.220 to John O. Hardin of Hopkinsville, Christian County, Kentucky, Judge of Police Court of the City of Hopkinsville for certain examining trials held in said court during the years of 1942, 1943, 1944, 1945, 1946, and 1947.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That John O. Hardin while duly elected and acting as the Judge of the city of Hopkinsville, Kentucky, Police Court did during the years of 1942, 1943, 1944, 1945, 1946 and 1947, as provided by law, conducted 92 examining trials in said court duly certifying the same to the Christian Circuit Court for which services he would be entitled to fees from the state treasury in total amount of $173.00.

It appearing that claim for the said fees herein presented for payment by the Commonwealth of Kentucky was not presented within the time as provided by law, and it further appearing that no payment of any part thereof has ever been made to the said John O. Hardin, and it further appearing that the said claim is a just and honest one against the Commonwealth of Kentucky. The Commissioner of Finance is hereby authorized and directed to draw his warrant upon the State Treasury in the sum of $173.00 in favor of John O. Hardin, and the provision or regulation of law is now provided, it not being barred to the payment of said claim and the amount necessary to pay said claim, being $173.00, hereby appropriated out of the general funds for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title eonly and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Isaac M. Blevins	Robert Collins
Jason Alford	Chas. J. Bronston	Everett T. Cooper
Earl F. Ashcraft	Mrs. Mary Burnett	Horace T. Cull
Sidney Baer	A. H. Calvert	Owen Deering
Levi Baker	Paul Carter	G. I. Drury
Bernhardt Bauer	Earl W. Christian	Kermit Dwyer
C. E. Baumgardner	George I. Cline	Henry J. Giles
Fred Beshear	W. K. Coleman	Henry C. Hale

N. M. Hamilton	C. D. Moberly	Dr. K. N. Salyer
James P. Hanratty	Archie R. Moore	D. B. Saylor
Carson Hibbitts	Davis Moore	LeRoy Saylor
E. R. Hilton	Walter Moorman	James J. Shannon
C. J. Holsclaw	Fred H. Morgan	Paul E. Shannon
Richard R. Houpt	E. C. Mullins	James S. Shaw
Clyde S. Howard	Stanley Murphy	Harry Smith
D. W. Howard	T. A. Noe, Jr.	John M. Spaulding
M. G. Howard	Joe E. Nunn	Chas. L. Spillman
R. N. Hubbard	H. S. Overby	G. W. Steinford
Ira W. Hulette	H. M. Pewitt	John M. Stumbo
Laban P. Jackson	J. H. Polsgrove	Albert Thomason
Kerby Jennings	L. W. Preston	G. C. Thornton
Paul S. Jonas	E. F. Prichard	W. J. Ward
J. Ernest Jones	Ottis Roberts	Lawrence Watts
L. H. Jones	Lilburn S. Rogers	Morris Weintraub
Ercel Kozee	Amos Runyan	Rodney Whitlow
W. E. McClure	Glenn Rushing	G. F. Williamson
F. G. Marquette	Mrs. Rutherford	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. No. 27. A Joint Resolution authorizing the payment, to Lee Swanner of London, Kentucky, of certain witness claims allowed by the Laurel Circuit Court and the Rowan Circuit Court.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Lee Swanner of London, Kentucky, is now the owner of certain witness claims allowed in the Laurel Circuit Court, and the Rowan Circuit Court, in the total amount of $17.04.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Lee Swanner of London and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims being $17.04, is hereby appropriated out of the General Fund for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Robert Collins	M. G. Howard
Jason Alford	Everett T. Cooper	R. N. Hubbard
Earl F. Ashcraft	Horace T. Cull	Ira W. Hulette
Sidney Baer	Owen Deering	Laban P. Jackson
Levi Baker	G. I. Drury	Kerby Jennings
Bernhardt Bauer	Kermit Dwyer	Paul S. Jonas
C. E. Baumgardner	Henry J. Giles	J. Ernest Jones
Fred Beshear	Henry C. Hale	L. H. Jones
Isaac M. Blevins	N. M. Hamilton	Ercel Kozee
Chas. J. Bronston	James P. Hanratty	W. E. McClure
Mrs. Mary Burnett	Carson Hibbitts	F. G. Marquette
A. H. Calvert	E. R. Hilton	C. D. Moberly
Paul Carter	C. J. Holsclaw	Archie R. Moore
Earl W. Christian	Richard R. Houpt	Davis Moore
George I. Cline	Clyde S. Howard	Walter Moorman
W. K. Coleman	D. W. Howard	Fred H. Morgan

E. C. Mullins	Amos Runyan	Chas. L. Spillman
Stanley Murphy	Glenn Rushing	G. W. Steinford
T. A. Noe, Jr.	Mrs. Rutherford	John M. Stumbo
Joe E. Nunn	Dr. K. N. Salyer	Albert Thomason
H. S. Overby	D. B. Saylor	G. C. Thornton
H. M. Pewitt	LeRoy Saylor	W. J. Ward
J. H. Polsgrove	James J. Shannon	Lawrence Watts
L. W. Preston	Paul E. Shannon	Morris Weintraub
E. F. Prichard	James S. Shaw	Rodney Whitlow
Ottis Roberts	Harry Smith	G. F. Williamson
Lilburn S. Rogers	John M. Spaulding	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of 2 o'clock, p. m., having arrived, that being the hour previously agreed upon for a Special Order of the Day, the House took up for consideration a bill of the following title, viz.:

H. B. No. 58. An Act relating to services for war veterans and their dependents; establishing a Veterans' Affairs Commission and providing for its organization, functions and appropriations; and abolishing the present Disabled Ex-Service Men's Board.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. (1) There is created a commission to be known as the Kentucky Veterans' Affairs Commission, which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The commission shall be composed of seven members ap-

pointed by the Governor. The members shall serve for terms of four years and until their successors are appointed and have qualified, except that the members first appointed shall be so appointed that the term of one member shall be for one year, two members for two years, two members for three years, and two members for four years. Appointments to the commission, including appointments of successors and appointments to fill vacancies, shall be so made that at all times three members of the commission will be persons recommended for appointment by the American Legion, two members will be persons recommended for appointment by the Veterans of Foreign Wars of the United States, one member will be a person recommended for appointment by the Disabled American Veterans, and the other members will be a person recommended for appointment by any other organization chartered by an Act of Congress, and composed exclusively of veterans of the Armed Forces who served in time of war. Recommendations for appointment by the organizations above referred to shall be in the form of lists of five names for each position on the Commission for which each organization is entitled to recommend a person for appointment, submitted to the Governor by the Commander or other executive head of the Kentucky department of the organization, and approved by the Executive Committee, Council of Administration, or other governing body of the Kentucky department of the organization. Recommendation lists for initial appointments shall be submitted within thirty days after this Act takes effeet, and recommendation lists for successors or for the filling of vacancies shall be submitted within thirty days after the term expires or the vacancy occurs. If no list is submitted within that period by the organization entited to make the recommendation, the Governor may appoint such person or persons as he shall deem qualified.

(2) Upon initial organization, and annually thereafter, the members of the commission shall select from their number a chairman, who shall serve for a term of one year. The members of the commission shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary traveling and lodging expenses incurred

in the performance of their duties. The commission shall have the authority to employ the necessary personnel, including a director to carry out the provisions of this Act, within the limits of its appropriations.

2. The powers and duties of the Kentucky Veterans' Commission shall be to:

(a) Assist and represent veterans, their families, and dependents, in the presentation, processing, proof, and establishment of such claims, privileges, rights, and benefits as they may be entitled to under Federal, State, or local laws, rules, and regulations.

(b) Furnish assistance to organizations authorized by law to represent veterans, their families, and dependents in the presentation and prosecution of claims before the United States Veterans' Administration, in such presentation, processing, proof, and establishment, of any claims, rights, and benefits, which any veteran, or veteran's family or dependent, may have authorized such organization to present, process, prove, or establish.

(c) Cooperate with other agencies and organizations in the state to coordinate all services now available, and which hereafter may become available, for the use and benefit of veterans, their families and dependents, to the end that maximum effectiveness of such services may be realized and overlapping and duplication of effort as between agencies may be minimized.

(d) Cooperate with Federal departments and other agencies which by law are responsible for the administration of rights and benefits granted by the Federal Government to veterans, their families, and dependents.

(e) Inform veterans and veterans' dependents, widows and children of all benefits to which they may be entitled under state and federal laws, and assist them in securing those benefits.

(f) Study the problems of veterans with regard to employment and housing, and assist them in securing those benefits.

(g) Establish, equip, and staff, within the limits of its appropriations, such field officers as it shall deem necessary in order to adequately carry out the provisions of this Act.

(h) Perform such other duties as the commission considers necessary or desirable in the accomplishment of the purposes for which the commission was created.

3. "Veterans", as used in this Act, includes any individual who served on active duty during peace or war in the Armed Forces of the United States, and who received a discharge other than dishonorable from such service.

4. Any appropriation made by the 1948 General Assembly to the Kentucky Disabled Ex-Service Men's Board for the fiscal year 1948-49 and 1949-50, and any unencumbered balance of the 1947-48 appropriation to that board, shall be transferred to the credit of, and be considered as an appropriation to the Kentucky Veterans' Affairs Commission.

5. Section 36.060 of the Kentucky Revised Statutes is repealed.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Levi Baker	Chas. W. Burnley
Earl F. Ashcraft	C. E. Baumgardner	Earl W. Christian
Sidney Baer	Fred Beshear	George I. Cline

W. K. Coleman	Kerby Jennings	LeRoy Saylor
Robert Collins	F. G. Marquette	James J. Shannon
Everett T. Cooper	Archie R. Moore	Paul E. Shannon
Perry M. Cross	Davis Moore	James S. Shaw
Kermit Dwyer	Fred H. Morgan	John M. Spaulding
Otto W. Goff	E. C. Mullins	Chas. L. Spillman
James P. Hanratty	T. A. Noe, Jr.	Albert Thomason
Carson Hibbitts	J. H. Polsgrove	G. C. Thornton
C. J. Holsclaw	L. W. Preston	Wilford S. Travis
Clyde S. Howard	Ottis Roberts	Lawrence Watts
D. W. Howard	Lilburn S. Rogers	Lynn Boyd Wells
M. G. Howard	Glenn Rushing	Rodney Whitlow
R. N. Hubbard	D. B. Saylor	Charles W. Wirsch

—47

Those who voted in the negative were—

Bernam Adams	Ira W. Hulette	Hobart Rayburn
Bernhardt Bauer	Laban P. Jackson	Amos Runyan
Isaac M. Blevins	J. Ernest Jones	Jesse H. Shelton
Mrs. Mary Burnett	Ercel Kozee	Harry Smith
Horace T. Cull	W. E. McClure	John M. Stumbo
N. M. Hamilton	C. D. Moberly	W. J. Ward
E. R. Hilton	H. S. Overby	G. F. Williamson
Richard R. Houpt	H. C. Patterson	

—24

Resolved that the title thereof be as aforesaid.

Mr. Noe moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Burnley moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to by a majority of the members elected.

Thereupon bills of the following titles were introduced, viz.:

By Dr. Salyer and Mrs. Burnett.

H. B. No. 427. An Act relating to narcotic drugs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (14) of section 218.010 of the Kentucky Revised Statutes is amended to read as fallows:

(14) "Narcotic drugs" means coca leaves, opium isonipecaine (the substance identified chemically as 1-methyl—4phenylpiperidine—4carboxylic acid ethyl ester), or any salt therof by whatever trade name identified, cannabis, 'Amidone' (the substance identified chemically as 4, 4-Diphenyl—6-Diemethylamino-Heptanone-3), or any salt or form thereof by whatever trade name identified, and every other substance neither chemically nor physically distinguished from them.

By Mr. Weintraub.

H. B. No. 428. An Act providing a fair employment practice law and establishing a commission, to be known as the Kentucky Fair Employment Practice Commission, and defining its powers and duties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The right to work without discrimination because of race, color, religious creed, national origin or ancestery is hereby declared to be a right and privilege of the inhabitants of the commonwealth.

Section 2. There shall be an Advisory Council to be known as the Kentucky Fair Employment Practice Council, appointed by the Governor consisting of nine (9) members, Three (3) from labor, three (3) from industry and three (3) from the general public. The duties of the Council shall be, to confer with the Governor on appointment of members of the

Commission and advise with the Commissioners on policy and enforcement of the Fair Employment Practice Law. The members of the council shall serve without pay, but shall be allowed Twenty Dollars ($20.00) per day expenses for their services, not ot exceed twenty days per month. The members of the council shall be appointed for a term of four (4) years.

Section 3. There shall be a commission to be known as the Kentucky Fair Employment Practice Commission.

Such commission shall consist of three members, to be known as commissioners, who shall be appointed by the governor, by and with the advice and consent of the council, and one of whom shall be designated as chairman by the governor. The term of office of each member of the commission shall be for four (4) years. Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Two members of the commission shall constitute a quorum for the purpose of conducting the business thereof. A single vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

The chairman of the commission shall receive a salary of five thousand dollars per year, and each of the other members shall receive a salary of four thousand dollars per year, and each member shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties, and shall be eligible for reappointment. Any member may be removed by the governor, with the consent of the council, for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an apportunity to be heard thereon.

All employees of the commission, except un executive secretary, the heads of divisions, and attorneys, shall be subject to the rules and regulations made by the Commission.

UNLAWFUL DISCRIMINATION AGAINST RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN OR ANCESTRY.

Section 1. As used in this chapter.

1. The term "person" includes one or more individuals,

partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and the commonwealth and all political subdivisions, boards, and commissions thereof.

2. The term "employment agency" includes any person undertaking to procure employees or opportunities to work.

3. The term "labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms of conditions of employment, or of other mutual aid or protection in connection with employment.

4. The term "unlawful employment practice" includes only those unlawful employment practices specified in section four.

5. The term "employer" does not include a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, if such club, association or corporation is not organized for private profit, nor does it include any employer with fewer than six persons in his employ, but shall include the commonwealth and all political subdivisions, boards, departments, and commissions thereof.

6. The term "employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person.

7. The term "commission", unless a different meaning clearly appears from the context, means the Kentucky fair employment practice commission.

Section 2. The commission, as established by section fifty-six of chapter six, shall formulate policies to effectuate the purposes of this chapter and may make recommendations to agencies and officers of the commonwealth or its political subdivisions in aid of such policies and purposes.

Section 3. The commission shall have the following functions, powers and duties:

1. To establish and maintain its principal office in the city of Frankfort, and such other offices within the commonwealth as it may deem necessary.

2. To meet and function at any place within the commonwealth.

3. To appoint such attorneys, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

4. To obtain upon request and utilize the services of all executive departments and agencies.

5. To adopt, promulgate, amend, and rescind rules and regulations suitable to carry out the provisions of this chapter, and the policies and practice of the commission in connection therewith.

6. To receive, investigate and pass upon complaints alleging discrimination in employment because of race, color, religious creed, national origin, or ancestry.

7. To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners.

No person shall be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the commission on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privelege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

8. To create, such advisory agencies and conciliation councils, local, regional or state-wide, as in its judgement will aid in effectuating the purposes of this chapter, and the commission may empower them to study the problems of discrimi-

nation in all specific fields of human relationships or in specific instances of discrimination, because of race, color, religious creed, national origin, or ancestry, in order to foster, through community effort or otherwise, good will, co-operation and conciliation among the groups and elements of the population of the commonwealth, and make recommendations to the commission for the development of policies and procedures in general and in specic instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils, shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance.

9. To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, color, religious creed, national origin or ancestry.

10. To render each year to the governor and to the general court a full written report of its activities and of its recommendations.

11. To adopt an official seal.

Section 4. It shall be an unlawful employment practice:

1. For an employer, by himself or his agent, because of the race, color, religious creed, national origin, or ancestry of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification.

2. For a labor organization, because of race, color, religious creed, national origin, or ancestry of any individual to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any

individual employed by an employer, unless based upon a bona fide occupational qualification.

3. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religious creed, national origin or ancestry or any intent to make any such limitation, specification or discrimination or to discriminate in any way on the ground of race, color, religious creed, national origin or ancestry, unless based upon a bona fide occupational qualification.

4. For any person, employer, labor organization or employment agency to discharge, expel, or otherwise discriminate against any person or because he has opposed any practices forbidden under this chapter because he has filed a complaint, testified, or assisted in any proceeding under section five.

5. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter or attempt to do so.

Section 5. Any person claiming to be aggrieved by an alleged unlawful employment practice may, by himself or his attorney, make sign and file with the commission a verified complaint in writing which shall state the name and address of the person, employer, labor organization, or employment agency alleged to have committed the unlawful employment practice complained of and which hall set forth the particulars thereof and contain such other information as may be required by the commission. The attorney general may, in like manner, make, sign and file such complaint. The commission, whenever it has reason to believe that any person has been or is engaging in an unlawful employment practice, may issue such a complaint. Any employer whose employees, or some of them, refuse or threaten to refuse to co-operate with the provisions of this chapter may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

After the filing of any complaint, the chairman of the commission shall designate one of the commissioners to make, with the assistance of the commission's staff, prompt investigation in connection therewith; and if such commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, he shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation and persuasion. The members of the commission and its staff shall not diclose what has occurred in the course of such endeavors, provided, that the commission may publish the facts in the case of any complaint which has been dismissed, and the terms of conciliation when the complaint has been so disposed of. In case of failure so to eliminate such practice, or in advance thereof if in his judgment circumstances so warrant, he may cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaint, as the same way may have been amended requiring the person, employer, labor organization, or employment agency named in such complaint, hereinafter referred to as respondent, to answer the charges of such complaint at a hearing before the commission, at a time and place to be specified in such notice. The place of any such shall be the office of the commission or such other place as may be designated by it. The case in support of the complaint shall be presented before the commission by one of its attorneys or agents, and the commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the deliberations of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence. The respondent may file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. In the discretion of the commission, the complainant may be allowed to intervene and present testimony in person or by counsel. The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The

commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed at the request of any party. If, upon all evidence at the hearing the commission shall find that a respondent has engaged in any unlawful employment practice as defined in section four, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, or restoration to membership in any respondent labor organization, as, in the judgment of the commission, will effectuate the purposes of this chapter, and including a requirement for report of the manner of compliance. If, upon all the evidence, the commission shall find that a respondent has not engaged in any such unlawful employment practice, the commissions shall state its findings of fact and shall issue and cause to be served on the complainment an order dismissing the said complaint as to such respondent. A copy of its order shall be delivered in all cases to the attorney general and such other public officers, as the commission deems proper. The commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder. Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination.

Section 6. Any complainant, respondent or other person aggrieved by such order of the commission may obtain judicial review thereof, and the commission may obtain an order of court for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the superior court of the commonwealth within any county wherein the unlawful employment practice which is the subject of the commission's order occurs or wherein any person required in the order to cease and desist from an unlawful employment practice or to take other affirmative action resides or transacts business. Such proceedings shall be initiated by the filing of a petition in such court, together with a written tran-

script of the record upon the hearing before the commission, and issuance and service of an order of notice as in proceedings in equity. The court shall have power to grant such temporary relief or restraining order as it seems just and proper, and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript an order or decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission with full power to issue injunctions against any respondent and to punish for contempt thereof. No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. Any party may move the court to remit the case to the commission in the interest of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows reasonable grounds for the failure to adduce such evidence before the commission. The findings of the commission as to the facts shall be conclusive if supported by sufficient evidence on the record considered as a whole. All such proceedings shall be heard and determined by the court as expeditiously as possible and shall take precedence over all other matters before it, except matters of like nature. The jurisdiction of the superior court shall be exclusive and its final order or decree shall be subject to review by the supreme judicial court in the same manner and form and with the same effect as in appeals from a final order or decree in proceedings in equity. The commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost and for the purposes of judicial review of the order of the commission. The review shall be heard on the record without requirement of printing. The commission may appear in court by one of its attorneys. A proceeding under this section when instituted by any complainant, respondent or other person aggrieved must be instituted within thirty days after the service of the order of the commission.

Section 7. Every employer, employment agency and labor union subject to this act, shall post in a conspicuous

place or places on his premises a notice to be prepared or approved by the commission, which shall set forth excerpts of this chapter and such other relevant information which the commission deems necessary to explain the act. Any employer, employment agency or labor union refusing to comply with the provisions of this section shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

Section 8. Any person, employer, labor organization or employment agency, who or which shall willfully resist, prevent, impede or interfere with the commission or any of its members or representatives in the performance of duty under this chapter, or shall willfully violate a final order of the commission, or who shall willfully file a false complaint shall be punished for each offense by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or by both; but procedure for the review of the order shall not be deemed to be such willful conduct.

Section 9. The provisions of this chapter shall be construed liberally for the accomplishment of the puposes thereof, and any law inconsistent with any provision hereof shall not apply, but nothing contained in this chapter shall be deemed to repeal section ninety-eight of chapter two hundred and seventy-two or any other law of this commonwealth relating to discrimination because of race, color, religious creed, national origin, and ancestry; but as to acts declared unlawful by section four, the procedure provided in this chapter shall, while pending, be exclusive; and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this chapter, he may not subsequently resort to the procedure herein.

Section 10. If any provision of this chapter or the application thereof to any person or circumstance, shall, for any reason, be held invalid, the remainder of this chapter or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

By Mr. Alford.

H. B. No. 429. An Act relating to the tax on the sale of admission to places of amusement and entertainment, including provisions for the appropriation and use of a portion of the revenue from such tax.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of Section 138.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (4) to (6) of this section, and in KRS 97.130, an excise tax shall be paid on the sale of admission to places of amusement or entertainment at the following rates: If the admission charge is less than ten cents, the rate shall be one cent; if the admission is ten cents to twenty cents, the rate shall be two cents; if the admission charge is twenty cents to thirty cents, the rate shall be three cents; if the admission charge is thirty cents to forty cents, the rate shall be four cents; if the admission charge is in excess of forty cents and not exceeding one dollar, the rate shall be five cents plus one cent additional for each ten cents or fractional part thereof in excess of forty cents; if the admission charge is in excess of one dollar, the rate shall be eleven cents plus one cent additional for each twenty-five cents or fractional part thereof in excess of one dollar.

§ 2. Ten percent of the revenue received from the tax imposed by subsection (1) of KRS 138.020 shall be placed to the credit of the Division of Public Asistance in the Department of Welfare, and shall be deemed to have been appropriated exclusively for old age assistance payments. The amount so credited shall be in addition and supplemental to any other appropriation to the Division of Public Assistance for such purpose.

By Mr. Shaw.

H. B. No. 430. An Act to amend Sections 69.070 Kentucky Revised Statutes, so as to provide an additional Assist-

ant Commonwealth's Attorney in counties having a population of 200,000 or more.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Kentucky Revised Statutes, Section 69.070 is hereby amended to read as follows: Appointment and salary of Assistant Commonwealth's Attorneys in counties having a population of 200,000 or more. In counties having a population of 200,000 or more, the Commonwealth's Attorney shall appoint a first, second and third Assistant Commonwealth's Attorney for terms of four years each, but they may be removed at any time by the Commonwealth's Attorney. Each Assistant Commonwealth's Attorney shall receive an annual salary of $4,000.00, payable out of the county levy in equal installments.

By Mr. Arnold.

H. B. No. 431. An Act prohibiting sales of cigarettes below cost and protecting and stabilizing tax collections thereon; defining and prohibiting unfair sales of cigarettes; conferring powers and duties on the Department of Revenue; imposing duties upon certain persons, engaged in the sale of cigarettes at retail and wholesale; providing remedies and imposing penalties for violations thereof; amending and reenacting sub-section (1) of section 137.050 Kentucky Revised Statutes, relating to the sale of cigarettes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonweatlh of Kentucky:

Section 1. SHORT TITLE. This act shall be known and may be cited as the "Unfair Cigarette Sales Act."

Section 2. LEGISLATIVE FINDINGS; STATEMENT OF POLICY. It is hereby declared that the advertising, offering for sale, or sale of cigarettes below cost in the retail or

wholesale trade with the intent of injuring competitors, destroying or substantially lessening competition, is an unfair and deceptive business practice. It is hereby declared to be the policy of the State to promote the public welfare through the prohibition of such sales and it is the purpose of this act to carry out that policy in the public interest.

Section 3. DEFINITIONS. The following words, terms and phrases, when used in this act, shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning.

(1) The term "Person" shall mean and include any individual, firm, association, company, club, agency, partnership, municipal, public or other type of corporation, and trust, however, formed, and every fiduciary, trustee and receiver.

(2) The term "cigarettes" shall mean and include any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material, except tobacco.

(3) The term "sale" shall mean any transfer for a consideration, exchange, barter, gift, offer for sale, and distribution in any manner or by any means whatsoever.

(4) The term "wholesaler" shall mean and include any person who purchases cigarettes direct from the manufacturer, or from any other person who purchased from a manufacturer, and sells such cigarettes purchased by him to others for resale.

(5) The term "retailer" shall mean and include any person who operates a store, stand, booth or concession for the purpose of making sales of cigarettes at retail and any person selling cigarettes through vending machines.

(6) The terms "Sell at retail," "sale at retail" and "retail sales" shall mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual prosecution of the seller's business, to the purchaser for consumption or use.

(7) The terms "sell at wholesale," "sale at wholesale" and "Wholesale sales" shall mean and include any trans-

fer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual prosecution of the wholesaler's business, to the retailer for the purpose of resale.

(8) The term "basic cost of cigarettes" shall mean the invoice net cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as th ecase may be, within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower, less all trade discounts and discounts for cash, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this State now in effect or hereafter enacted, if not already included by the manufacturer in his list price.

Section 4. SALES AT LESS THAN COST; PENALTY. (a) It shall be unlawful for any retailer or wholesaler, with intent to injure competitors, destroy or substantially lessen competition, to advertise, offer to sell, or sell, at retail or wholesale, cigarettes at less than cost to such retailer or wholesale, as the case may be. Any retailer or wholesaler who violates the provisions of this section shall be guilty of a misdemeanor and be punishable by a fine of not more than five hundred dollars ($500.00).

(b) Evidence of advertisment, offering to sell, or sale of cigarettes by any retailer or wholesaler at less than cost to him, shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

Section 5. COST TO THE RETAILER; MEANING. (a) The term "cost to the retailer" shall mean the "basic cost of cigarettes" to the retailer plus the "cost of doing business by the retailer," as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance, and advertising: *Provided,* that any retailer who, in connection with the retailer's purchase receives not only the discounts ordinarily allowed upon purchases by a

retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer" pursuant to this subsection, add the "Cost of doing business by the wholesaler," as defined n Section 6 of this act, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer."

(b) In the absence of proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be eight per centum (8%) of the "basic cost of cigarettes" to the retailer.

(c) In the absence of proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer" who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchase by a retailer but also, in whole or in part, the discounts ordinarily allowed upon the purchases by a wholesaler, shall be presumed ordinarily allowed the purchase by a wholesaler, shall be presumed to be eight per centum (8%) of the sum of the "basic cost of cigarettes" and the "cost of doing business by a wholesaler."

Section 6. COST THE WHOLESALER; MEANING. (a) The term "cost to the wholesaler" shall mean the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler," as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including salaries of executives and officers), rent depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

(b) In the absence of proof of a lesser or higher cost of doing business by the wholesaler making the sale the "cost of doing business by the wholesaler" shall be presumed to be three per centum (3%) of the "basic cost of cigarettes" to the wholesaler less one-half (½) of one per centum (1%) if there is no cartage or carrying charge in the transaction.

Section 7. COMBINATION SALES. In all advertisement, offers for sale of sales involving (2) or more items at a combined price and in all advertisements, offers for sale, or sale, involving the giving of any gift or concession of any kind whatsoever (whether it be coupons or otherwise), the retailer's or wholesaler's combined selling price shall not be below the "cost of the retailer" or the "cost to the wholesaler," respectively, of the total of all articles, products, commodities, gifts and concessions included in such transactions.

Section 8. SALES BY A WHOLESALER TO A WHOLESALER. When one wholesaler sells cigarettes to any other wholesaler, the former shall not be required to include in his selling price to the latter, "cost to the wholesaler," as provided by section six of this act, but the latter wholesaler, upon resale to the retailer, shall be subject to the provisions of said section.

Section 9. SALES EXECPTIONS. The provisions of this act shall not apply to sales at retail or sales at wholesale made (a) in an isolated transaction and not in the usual course of business; (b) where cigarettes are advertised, offered for sale, or sold in bona fide clearance sales for the purpose of discontinuing trade in such cigarettes and said advertising, offer to sell, or sale shall state the reason thereof and the quantity of such cigarettes advertised, offered for sale, or to be sold; (c) where cigarettes are advertised, offered for sale, or sold as imperfect or damaged, and said advertising, offer to sell, or sale shall state the reason thereof and the quality of such cigarettes advertised, offered for sale, or to be sold; (d) where cigarettes are sold upon the complete final liquidation of a business; (e) where cigarettes are advertised, offered for sale, or sold by any fiduciary or other officer acting under the order or direction of any court.

Section 10. ADVERTISING OF CERTAIN SALES; GOOD FAITH. Any retailer or wholesaler may advertise, offer to sell, or sell cigarettes at a price made in good faith to meet the price of a competitor who is selling the same article at a cost to him as a wholesaler or retailer and is rendering the same type of service to his cusomers. The price

of cigarettes advertised, offered for sale, or sold under the exemptions specified in section nine, shall be considered the price of a competitor and shall not be used as a basis for establishing prices below cost, nor shall the price established at a bankrupt sale be considered the price of a competitor within the purview of the first sentence of this section.

Section 11. SALES CONTRACTS VOID. Any contract, expressed or implied, made by any person in violation of any of the provisions of this act, is declared to be an illegal and void contract and no recovery thereon shall be had.

Section 12. COURT EVIDENCE ADMISSIBLE. (a) In determination of "cost to the retailer" and "cost to the wholesaler" the court shall receive and consider as bearing on the bona fides of such cost, evidence tending to show that any person complained against under any of the provisions of this act purchased cigarettes, with respect to the sale of which complaint is made, at a fictitious price, or upon terms, or in such a manner, or under such invoices, as to conceal the true cost, discounts or terms of purchase, and shall also receive and consider as bearing on the bona fides of such cost, evidence of the normal customary ond prevailing terms and discounts in connection with other sales of similar nature in the trade area or state.

(b) Merchandise given gratis or payment made to a retailer or wholesaler for display, or advertising, or promotion purposes, or otherwise, shall not be considered in determining the cost of the cigarettes to the retailer or wholesaler.

Section 13. SALES OUTSIDE ORDINARY CHANNELS OFBUSINESS; EFFECT. In establishing the cost of cigarettes to the retailer or wholesaler, the invoice cost of said cigarettes purchased at a forced, bankrupt, closeout sale, or other sale outside of the ordinary channels of trade, may not be used as a basis for justifying a price lower than one based upon the replacement cost of the cigarettes to the retiler or wholesaler, within thirty (30) days prior to the date of sale, in the quality last purchased, through the ordinary channels of trade.

Section 14. COST SURVEY; ADMISSIBILITY. Where the particular trade of which the person complained

against is a member has an established cost survey for the trading area in which the offense is committed, the said cost survey shall be deemed competent evidence to be used in proving the cost of the person complained against within the provisions of this act.

Section 15. REMEDIES. (a) Any person injured by any violation, or who shall suffer injury from any threatened violation of this act, may maintain an action in any court of equitable jurisdiction to prevent, restrain, or enjoin such violation or threatened violation. If in such action a violation or threatened violation of this act shall be established, the court shall enjoin and restrain, or otherwise prohibit, such violation or threatened violation and, in addition thereto, shall assess in favor of the plaintiff and against the defendant the cost of suit including reasonable attorney's fees. In such action if shall not be necessary that actual damages to the plaintiff be alleged or proved, but where alleged and proved, the plaintiff in said action, in addition to such injunctive relief and costs of suit, including reasonable attorney's fees, shall be entitled to recover from the defendant the actual damages sustained by him.

(b) In the event that no injunctive relief is sought or required, any person injured by a violation of this act may maintain an action for damages in any court of general jurisdiction, and the measure of damages in such action shall be the same as prescribed in subsection (a) of this section.

Section 16. DEPARTMENT OF REVENUE; POWERS AND DUTIES.The administration of this act is vested in the Department of Revenue of this Commonwealth and the applicable authority vested in the Department under Chapter 137 (Kentucky Revised Statutes) shall be extended to include the provisions of this act. Such department may revoke any license issued under Chapter 137 (Kentucky Revised Statutes), in the manner prescribed by Chapter 137, for failure of the licensee to comply with any provisions of this Unfair Cigarette Sales Act; *Provided,* That any person whose license is vevoked under this section may appeal from the decision of the department in the manner prescribed by Chapter 137 (Kentucky Revised Statutes).

Section 17. Subsection (1) of section 137.050 of the Kentucky Revised Statutes, is hereby amended and re-enacted so that subsection when amended and re-enacted will read as follows:

137.050 (4224a-10) Occupations Covered; Annual Rates. (1) For the privilege of possessing in this state cigarettes upon which the state cigarette tax has not been paid and the state tax stamps not affixed to the package, box or container, as required by KRS 138.130 to 138.200, or for the privilege of selling in this state to another person *for resale* in this state cigarettes upon which the state cigarette tax has been paid, there is imposed a license fee of one hundred dollars ($100.00) per annum. "Possessing" as used in this subsection does not include the transportation of cigarettes in interstate commerce nor a temporary holding in good faith by a transportation agency prior to shipping out of the state or prior to delivery to consignee or his agent, but it does include possession for purposes of sale, gift or use within the state after the interstate journey is ended.

Section 18. SEVERABILITY. If any subsection, sentence, clause or provision of this act shall for any reason be held invalid or unconstitutional, the validity of the remaining parts thereof shall not be affected thereby and to that end the provisions of this act are declared to be severable.

By Mr. Morgan.

H. B. No. 432. An Act relating to police and fire departments in cities of the second and third classes; amending subsection (1) of Section 95.440 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 95.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city manager in cities of the second class operating under the city manager form of government and the

city legislative body in other cities of the second class shall, and the city legislative body in cities of the third class may, require all applicants for appointment as members of the police or fire department to be examined as to their qualifications for office, including their knowledge of the English language and the law and rules governing the duties of the position applied for, and to submit to a physical examination before a duly licensed and practicing physician, who shall furnish the applicant with a complete report of said examination.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. No. 36. A Joint Resolution providing for the payment, to the Bank of Cumberland, of certain witness claims allowed by the Cumberland Circuit Court.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Bank of Cumberland, located at Burkesville, Kentucky, is now the owner of certain witness claims allowed in the Cumberland Circuit Court at the terms in March, August and November, 1945, in the amount of ten dollars, and at the term in March and November, 1946, in the amount of eighteen dollars, making a total of twenty-eight dollars.

It appearing that said claims were not presented for payment by the Commonwealth within the time provided by statute, and it further appearing that said claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by the Bank of Cumberland, and the statute of limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay the same, being twenty-eight dollars, is hereby appropriated out of the General Expenditure Fund in the State Treasury.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	J. H. Polsgrove
Jason Alford	C. J. Holsclaw	L. W. Preston
Earl F. Ashcraft	Richard R. Houpt	E. F. Prichard
Sidney Baer	Clyde S. Howard	Ottis Roberts
Levi Baker	D. W. Howard	Lilburn S. Rogers
Bernhardt Bauer	M. G. Howard	Amos Runyan
C. E. Baumgardner	R. N. Hubbard	Glenn Rushing
Fred Beshear	Ira W. Hulette	Mrs. Rutherford
Isaac M. Blevins	Laban P. Jackson	Dr. K. N. Salyer
Chas. J. Bronston	Kerby Jennings	D. B. Saylor
Mrs. Mary Burnett	Paul S. Jonas	LeRoy Saylor
A. H. Calvert	J. Ernest Jones	James J. Shannon
Paul Carter	L. H. Jones	Paul E. Shannon
Earl W. Christian	Ercel Kozee	James S. Shaw
George I. Cline	W. E. McClure	Harry Smith
W. K. Coleman	F. G. Marquette	John M. Spaulding
Robert Collins	C. D. Moberly	Chas. L. Spillman
Everett T. Cooper	Archie R. Moore	G. W. Steinford
Horace T. Cull	Davis Moore	John M. Stumbo
Owen Deering	Walter Moorman	Albert Thomason
G. I. Drury	Fred H. Morgan	G. C. Thornton
Kermit Dwyer	E. C. Mullins	W. J. Ward
Henry J. Giles	Stanley Murphy	Lawrence Watts
Henry C. Hale	T. A. Noe, Jr.	Morris Weintraub
N. M. Hamilton	Joe E. Nunn	Rodney Whitlow
James P. Hanratty	H. S. Overby	G. F. Williamson
Carson Hibbitts	H. M. Pewitt	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. No. 32. A Resolution appropriating from the General Fund of the Commonwealth of Kentucky the sum of $274.35 to pay Elmine Watts, Sheriff Knott County, for claims due him for services rendered in the performance of his duties for the Commonwealth in returning fugitives from justice from the States of Ohio and Indiana to Hindman, Kentucky.

Said resolution is as follows, viz.:

WHEREAS, Elmine Watts, Sheriff Knott County, Kentucky, in the month of March, 1946, traveled to Indianapolis, Indiana, from Hindman, Kentucky, to return Dave Combs, a fugitive from justice, charged with the crime of Child Desertion in the Knott Circuit Court, upon which charge he was subsequently tried and probated in said court, and the said Elmine Watts incurred expenses in traveling to the said above named city and conveying the said fugitive from justice to the said County and City as above set out in the sum of $98.55, and

WHEREAS, the said Elmine Watts in the month of January 15, 1947, traveled to Mary, Ohio, from Hindman, Kentucky, to return Russel Hicks, a fugitive from justice, charged with the crime of Child Desertion in the Knott Circuit Court, upon which charge he was never tried, but was permitted by the court to be released and go to work and support his family, and the said Elmine Watts is due from the Commonwealth for expenses incurred the sum of $111.60 for the returning of said fugitive as above set out, and

WHEREAS, the said Elmine Watts in the month of August, 1947, traveled to Indianapolis, Indiana, from Hind-

man, Kentucky, to return Riley Combs, a fugitive from justice charged with Child Desertion in the Knott Circuit Court, and the Governor of the State of Indiana failed to permit the said fugitive from justice to be extradited from the said State of Indiana to the Commonwealth of Kentucky, and the said Elmine Watts is due the sum of $64.20 from the Commonwealth for expenses incurred in making said trip for the purpose of returning said fugitive, and

WHEREAS, whereas each of the said claims are just, due and unpaid, and said services were performed by the said Elmine Watts, and Ruby Watts, former sheriff of Knott County, under orders of the Knott Circuit Court, and on requisition of the Governor of the Commonwealth, and, therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Elmine Watts, Sheriff Knott County, for returning Dave Combs and Russell Hicks, fugitives from justice, to Hindman, Knott County, Kentucky, and for the trip to Indianapolis, Indiana, for the return of Riley Combs, a fugitive from justice, is entitled to the sum of $274.35 for his services to the Commonwealth therein, and immediately upon the passage of this resolution the Department of Finance is directed to draw a warrant in favor of Elmine Watts in the amount aforesaid, and transmit the same to the State Treasurer, who shall issue a check in favor of Elmine Watts in the amount of $274.35.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Sidney Baer	C. E. Baumgardner
Jason Alford	Levi Baker	Fred Beshear
Earl F. Ashcraft	Bernhardt Bauer	Isaac M. Blevins

Chas. J. Bronston	R. N. Hubbard	Ottis Roberts
Mrs. Mary Burnett	Ira W. Hulette	Lilburn S. Rogers
A. H. Calvert	Laban P. Jackson	Amos Runyan
Paul Carter	Kerby Jennings	Glenn Rushing
Earl W. Christian	Paul S. Jonas	Mrs. Rutherford
George I. Cline	J. Ernest Jones	Dr. K. N. Salyer
W. K. Coleman	L. H. Jones	D. B. Saylor
Robert Collins	Ercel Kozee	LeRoy Saylor
Everett T. Cooper	W. E. McClure	James J. Shannon
Horace T. Cull	F. G. Marquette	Paul E. Shannon
Owen Deering	C. D. Moberly	James S. Shaw
G. I. Drury	Archie R. Moore	Harry Smith
Kermit Dwyer	Davis Moore	John M. Spaulding
Henry J. Giles	Walter Moorman	Chas. L. Spillman
Henry C. Hale	Fred H. Morgan	G. W. Steinford
N. M. Hamilton	E. C. Mullins	John M. Stumbo
James P. Hanratty	Stanley Murphy	Albert Thomason
Carson Hibbitts	T. A. Noe, Jr.	G. C. Thornton
E. R. Hilton	Joe E. Nunn	W. J. Ward
C. J. Holsclaw	H. S. Overby	Lawrence Watts
Richard R. Houpt	H. M. Pewitt	Morris Weintraub
Clyde S. Howard	J. H. Polsgrove	Rodney Whitlow
D. W. Howard	L. W. Preston	G. F. Williamson
M. G. Howard	E. F. Prichard	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

S. Res. No. 6. A Joint Resolution authorizing the payment of a claim for holding examining trials allowed by the Marion Circuit Court, to G. C. Spalding of Lebanon, Kentucky.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That G. C. Spalding of Lebanon, Kentucky, is now the owner of a claim for holding examining trials allowed in the Marion Circuit Court at the September, 1946, term, in the total amount of twelve dollars.

It appearing that said claim was not presented for payment by the Commonwealth of Kentucky within the time provided by law and it further appearing that said claim is a just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claim when presented by G. C. Spalding of Lebanon, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claim, and the amount necessary to pay said claim, being twelve dollars, is hereby appropriated out of the General Fund for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	A. H. Calvert	Henry J. Giles
Jason Alford	Paul Carter	Henry C. Hale
Earl F. Ashcraft	Earl W. Christian	N. M. Hamilton
Sidney Baer	George I. Cline	James P. Hanratty
Levi Baker	W. K. Coleman	Carson Hibbitts
Bernhardt Bauer	Robert Collins	E. R. Hilton
C. E. Baumgardner	Everett T. Cooper	C. J. Holsclaw
Fred Beshear	Horace T. Cull	Richard R. Houpt
Isaac M. Blevins	Owen Deering	Clyde S. Howard
Chas. J. Bronston	G. I. Drury	D. W. Howard
Mrs. Mary Burnett	Kermit Dwyer	M. G. Howard

R. N. Hubbard	Stanley Murphy	James J. Shannon
Ira W. Hulette	T. A. Noe, Jr.	Paul E. Shannon
Laban P. Jackson	Joe E. Nunn	James S. Shaw
Kerby Jennings	H. S. Overby	Harry Smith
Paul S. Jonas	H. M. Pewitt	John M. Spaulding
J. Ernest Jones	J. H. Polsgrove	Chas. L. Spillman
L. H. Jones	L. W. Preston	G. W. Steinford
Ercel Kozee	E. F. Prichard	John M. Stumbo
W. E. McClure	Ottis Roberts	Albert Thomason
F. G. Marquette	Lilburn S. Rogers	G. C. Thornton
C. D. Moberly	Amos Runyan	W. J. Ward
Archie R. Moore	Glenn Rushing	Lawrence Watts
Davis Moore	Mrs. Rutherford	Morris Weintraub
Walter Moorman	Dr. K. N. Salyer	Rodney Whitlow
Fred H. Morgan	D. B. Saylor	G. F. Williamson
E. C. Mullins	LeRoy Saylor	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. No. 41. A Joint Resolution and directing the payment of the claims of Barkley Graham, Sheriff of McCracken County, for fees allowed at the January and April terms, 1947, of the McCracken Circuit Court.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Barkley Graham, Sheriff of McCracken County, has claims against the Commonwealth, which claims were duly allowed at the January and April terms, 1947, of the McCracken Circuit Court, being claims for fees for services

which the Commonwealth is required by law to pay, and which claims are in the total amount of $247.20.

It appearing that said claims were not presented for payment by the Commonwealth within the time prescribed by statute, and it further appearing that the claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay the claims when presented, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being $247.20, is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Everett T. Cooper	Ira W. Hulette
Jason Alford	Horace T. Cull	Laban P. Jackson
Earl F. Ashcraft	Owen Deering	Kerby Jennings
Sidney Baer	G. I. Drury	Paul S. Jonas
Levi Baker	Kermit Dwyer	J. Ernest Jones
Bernhardt Bauer	Henry J. Giles	L. H. Jones
C. E. Baumgardner	Henry C. Hale	Ercel Kozee
Fred Beshear	N. M. Hamilton	W. E. McClure
Isaac M. Blevins	James P. Hanratty	F. G. Marquette
Chas. J. Bronston	Carson Hibbitts	C. D. Moberly
Mrs. Mary Burnett	E. R. Hilton	Archie R. Moore
A. H. Calvert	C. J. Holsclaw	Davis Moore
Paul Carter	Richard R. Houpt	Walter Moorman
Earl W. Christian	Clyde S. Howard	Fred H. Morgan
George I. Cline	D. W. Howard	E. C. Mullins
W. K. Coleman	M. G. Howard	Stanley Murphy
Robert Collins	R. N. Hubbard	T. A. Noe, Jr.

Joe E. Nunn	Mrs. Rutherford	G. W. Steinford
H. S. Overby	Dr. K. N. Salyer	John M. Stumbo
H. M. Pewitt	D. B. Saylor	Albert Thomason
J. H. Polsgrove	LeRoy Saylor	G. C. Thornton
L. W. Preston	James J. Shannon	W. J. Ward
E. F. Prichard	Paul E. Shannon	Lawrence Watts
Ottis Roberts	James S. Shaw	Morris Weintraub
Lilburn S. Rogers	Harry Smith	Rodney Whitlow
Amos Runyan	John M. Spaulding	G. F. Williamson
Glenn Rushing	Chas. L. Spillman	Charles W. Wirsch

—81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said resolution was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Burnley moved that the rules be suspended for the purpose of allowing report of Committees.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Williamson of the Committee on State Property, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 320. An Act repealing Chapter 236 of the Acts of the General Assembly of 1946.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Hanratty of the Committee on Claims, to which the same had previously been referred, reported a resolution of the following title, viz.:

H. Res. No. 37. A Joint Resolution providing for the payment, to the Peoples Bank of Tompkinsville, Kentucky, of certain witness claims allowed by the Monroe Circuit Court.

With the expression of opinion that same should pass.

Whereupon said resolution was read at length for the first time and

Ordered placed on the Calendar.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 13. An Act relating to marriage and divorce; placing restrictions on the remarriage of divorced male persons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No male resident of this state who has been or hereafter is divorced, and who has one or more children of the marriage under seventeen years of age, may remarry (except a remarriage with the divorced wife) without having procured a circuit court order permitting the remarriage. If the divorced wife has custody of the children and is a resident of this state, the order must be obtained from the circuit court of the county in which the wife resides; otherwise, it may be obtained from the circuit court of the county in which the husband resides. In a case where there has been more than one divorce, and there are children under seventeen years of age of more than one of the marriages, the order must be obtained from the circuit court of the county in which resides the most recently divorced wife who has custody of children and is a resident of this state; otherwise, it may be obtained from the circuit court of the county in which the husband resides. The court shall grant permission to remarry only

upon proof, satisfactory in the discretion of the court, that the applicant has complied with the terms of the divorce decree relating to the support of the divorced wife and minor children, and that he has sufficient financial means and income to support a second family.

§ 2. (1) Application for an order granting permission to remarry shall be made by motion, supported by affidavit of the notice of motion, shall state the purport of the motion, and the time and place at which the motion will be made, and shall be accompanied by a copy of the affidavit. Where the divorced wife has custody of the children, the notice shall be served upon her. Where the legal custody of the children is vested in some person other than the wife or the applicant, the notice shall be served upon such person. Where no person has the legal custody, or where the applicant himself has the legal custody, the notice shall be served upon the children. Service shall be as provided in the Civil Code for service of notice of motions.

(2) In cases where notice of motion is required to be served upon the children, the court, upon the hearing of the motion, shall appoint a guardian ad litem to represent the interests of the children, and shall adjourn the hearing for such time as may be necessary to enable the guardian ad litem to make an adequate investigation and response to the motion.

(3) The affidavit in support of the motion shall state the facts with reference to the divorce decree, identifying the court by which the decree was granted, and setting forth the date of the decree and the substance of its provisions with reference to support and custody of the children. The affidavit shall also set forth the facts as to whether the applicant has complied with the divorce decree, has ever been cited for contempt for failure to comply with the deeree, or has been prosecuted for nonsupport, and whether he is financially able to comply with the divorce decree and support an additional family. The affidavit shall further state the amount and character of the applicant's assets, his annual earnings for the current year and the preceding five years, and the nature and circumstances of his occupation or employment.

(4) Upon the hearing of the motion, the court may cause such evidence to be taken as it deems necessary for a just and proper decision.

§ 3. In a case where the divorced wife, having custody of the children, has remarried, the ability and willingness of her present husband to support the children may be taken into consideration in determining whether the applicant for permission to remarry has sufficient financial ability to provide for the proper support of an additional family.

§ 4. Every male person applying for a marriage license shall be required to state in writing, under oath, on forms furnished by the county court clerk, whether he has been divorced and whether he has any children by a former marriage under the age of seventeen, and if so, their names, ages and addresses. If the statement discloses that he has been divorced and has such children, the county court clerk shall not issue a license, except for remarriage to the divorced mother of the children, unless and until the person shall file with the clerk a certified copy of the judgment of divorce, and of any subsequent orders modifying the judgment, and a certified copy of a court order, issued pursuant to this Act, granting such person permission to remarry.

§ 5. Any marriage entered into in violation of this Act shall be void.

§ 6. The marriage in any other state of a male person who has been a resident of this state within six months immediately preceding such marriage, and who has not complied with this Act, shall conclusively be presumed to be void in the event he shall return to this state within twelve months immediately following such marriage to reestablish or continue his residence in this state.

§ 7. (1) Any applicant for a marriage license who willfully makes a false statement concerning the matters required to be stated by him under oath in the form required by Section 4 of this Act shall be confined in the penitentiary for not less than one nor more than five years.

(2) Any county court clerk or deputy who issues a marriage license without obtaining the sworn statement required

by Section 4 of this Act, or who issues a marriage license without there being filed with him a certified copy of the divorce judgment and subsequent orders, and a certified copy of a court order granting permission to remarry, in any case where such filing is required by Section 4 of this Act, shall be fined not less than one hundred dollars nor more than five hundred dollars.

Mr. Weintraub offered the following amendment to said bill, viz.:

Amend H. B. No. 13, on page 3, section 6, by striking Section entirely and then changing Section 7 to number Section 6.

Said amendment was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having beeen dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Sidney Baer	Chas. J. Bronston
Jason Alford	Levi Baker	Mrs. Mary Burnett
Roy W. Arnold	Bernhardt Bauer	A. H. Calvert
Earl F. Ashcraft	Fred Beshear	Everett T. Cooper

Owen Deering	J. Ernest Jones	D. B. Saylor
Kermit Dwyer	Ercel Kozee	LeRoy Saylor
Henry J. Giles	Harry K. Lowman	Paul E. Shannon
Otto W. Goff	W. E. McClure	Harry Smith
Henry C. Hale	F. G. Marquette	John M. Spaulding
N. M. Hamilton	E. H. Martin	Chas. L. Spillman
Carson Hibbitts	Fred H. Morgan	G. W. Steinford
E. R. Hilton	E. C. Mullins	John M. Stumbo
C. J. Holsclaw	Stanley Murphy	Albert Thomason
Richard R. Houpt	J. H. Polsgrove	G. C. Thornton
D. W. Howard	L. W. Preston	W. R. Tipton
M. G. Howard	E. F. Prichard	Morris Weintraub
Ira W. Hulette	Ottis Roberts	Lynn Boyd Wells
Laban P. Jackson	Lilburn S. Rogers	Rodney Whitlow
Kerby Jennings	Glenn Rushing	G. F. Williamson
Paul S. Jonas	Mrs. Rutherford	Charles W. Wirsch

—60

Those who voted in the negative were—

C. E. Baumgardner	G. I. Drury	H. M. Pewitt
Isaac M. Blevins	James P. Hanratty	Amos Runyan
Chas. W. Burnley	Clyde S. Howard	Dr. K. N. Salyer
Paul Carter	R. N. Hubbard	James J. Shannon
George I. Cline	C. D. Moberly	James S. Shaw
W. K. Coleman	Davis Moore	Wilford S. Travis
Robert Collins	Joe E. Nunn	W. J. Ward

—21

Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Rogers of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

S. B. No. 36. An Act relating to the practice of accounting, with particular reference to the certification or registration of public accountants.

S. B. No. 230. An Act repealing and re-enacting Section 89.560, Kentucky Revised Statutes, relating to city managers in cities of the second, third and fourth classes, and declaring an emergency to exist.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 243. An Act relating to labor, prohibiting the discharge of any employee solely or only on the ground of age.

With Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No person, firm, association or corporation, carrying on or conducting, within this State, any business requiring the employment of labor shall discharge any employee solely or only on the ground of his or her age.

(2) Any such individual employee laid off or discharged in violation hereof may, in addition to any other remedy, apply to any court of competent jurisdiction in the county of his or her residence, or in any county wherein service of summons

can be had upon such person, firm, association or corporation, and the court shall order the re-instatement of such employee, with full restoration of all rights, to the same position held at the time of the lay-off or discharge, or if such position has been abolished, then to a like or similar position, and with full pay for all time lost.

Said Committee amendment to said bill is as follows, viz.:

Amend House Bill No. 243 on page 1, section 1, line 3, of the printed copy, by striking the word "labor" and substituting and inserting in lieu thereof the words "five or more employees".

Said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordancee with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Jason Alford	Horace T. Cull	Laban P. Jackson
Earl F. Ashcraft	Owen Deering	Kerby Jennings
Levi Baker	Henry J. Giles	Paul S. Jonas
Bernhardt Bauer	Otto W. Goff	J. Ernest Jones
Fred Beshear	Henry C. Hale	L. H. Jones
Chas. W. Burnley	N. M. Hamilton	Ercel Kozee
A. H. Calvert	Carson Hibbitts	Harry K. Lowman
Paul Carter	E. R. Hilton	F. G. Marquette
Earl W. Christian	Clyde S. Howard	E. H. Martin
George I. Cline	D. W. Howard	C. D. Moberly
W. K. Coleman	M. G. Howard	Archie R. Moore
Everett T. Cooper	Ira W. Hulette	Fred H. Morgan

E. C. Mullins	Amos Runyan	G. W. Steinford
Stanley Murphy	Mrs. Rutherford	John M. Stumbo
T. A. Noe, Jr.	Dr. K. N. Salyer	Albert Thomason
Joe E. Nunn	D. B. Saylor	G. C. Thornton
H. S. Overby	LeRoy Saylor	W. J. Ward
H. C. Patterson	James J. Shannon	Lawrence Watts
H. M. Pewitt	Paul E. Shannon	Morris Weintraub
J. H. Polsgrove	Jesse H. Shelton	Lynn Boyd Wells
E. F. Prichard	Harry Smith	G. F. Williamson
Ottis Roberts	John M. Spaulding	Charles W. Wirsch

—66

Those who voted in the negative were—

Bernam Adams	L. W. Preston	James S. Shaw
C. E. Baumgardner	Lilburn S. Rogers	W. R. Tipton
C. J. Holsclaw	Glenn Rushing	

—8

Mr. Weintraub offered the following amendment to the title of said bill, viz.:

Amend printed copy of House Bill 243, on page 1, to amened title by changing the period at the end of the title to a comma, and then adding the following words to the title: "and providing remedies in cases of violations".

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

The House then took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. No. 211. An Act relating to old age assistance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any income or support available to a needy aged person, not exceeding an average of ten dollars per week or forty dollars per month, shall not be deemed to provide such person

with a reasonable subsistence compatible with decency and health, within the meaning of KRS 205.010 and 205.030, and old age assistance shall not be denied to or withheld from such a person because of or on the ground of such income or support.

Ordered that said bill be read at length the third time.

Mr. John C. Watts moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Everett T. Cooper	R. N. Hubbard
Jason Alford	Horace T. Cull	Ira W. Hulette
Earl F. Ashcraft	Owen Deering	Laban P. Jackson
Sidney Baer	G. I. Drury	Kerby Jennings
Levi Baker	Kermit Dwyer	Paul S. Jonas
Bernhardt Bauer	Henry J. Giles	L. H. Jones
C. E. Baumgardner	Otto W. Goff	Ercel Kozee
Fred Beshear	Henry C. Hale	Harry K. Lowman
Isaac M. Blevins	N. M. Hamilton	W. E. McClure
Chas. J. Bronston	James P. Hanratty	C. D. Moberly
Chas. W. Burnley	Carson Hibbitts	Archie R. Moore
A. H. Calvert	E. R. Hilton	Fred H. Morgan
Paul Carter	C. J. Holsclaw	E. C. Mullins
Earl W. Christian	Richard R. Houpt	T. A. Noe, Jr.
George I. Cline	Clyde S. Howard	Joe E. Nunn
W. K. Coleman	D. W. Howard	H. M. Pewitt
Robert Collins	M. G. Howard	J. H. Polsgrove

L. W. Preston	LeRoy Saylor	W. R. Tipton
E. F. Prichard	James J. Shannon	W. J. Ward
Ottis Roberts	Paul E. Shannon	John C. Watts
Amos Runyan	James S. Shaw	Lawrence Watts
Glenn Rushing	Harry Smith	Morris Weintraub
Mrs. Rutherford	John M. Spaulding	Lynn Boyd Wells
Dr. K. N. Salyer	G. W. Steinford	G. F. Williamson
D. B. Saylor	John M. Stumbo	Charles W. Wirsch

—75

Resolved that the title thereof be as aforesaid.

Mr. Steinford moved that the vote by which said bill was passed be reconsidered, and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Stumbo moved that the rules be suspended for the purpose of introducing a bill.

Said motion was agreed to by a majority of the members elected.

Thereupon a bill of the following title was introduced, viz.:

By Messrs. Stumbo, Collins and Hale.

H. B. No. 433. An Act relating to chicken and dog fighting, including provisions for a license for chicken fighting, and appropriating the revenue from said license to the Kentucky Disabled Ex-Servicemen5s Board.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. KRS 436.190 is hereby amended to read as follows:

Any person who, for profit, causes dogs to fight, keeps any house or place to be used for dog fighting, bets upon any

dog fight, or furnishes any dog to be used in a dog fight shall be fined not less than ten dollars nor more than one hundred dollars.

§ 2. Any person who, for profit, causes any chicken cocks to fight shall pay an annual license fee of three hundred dollars. The license shall be issued, on application, by the Department of Revenue, and it shall be issued on a fiscal year basis.

§ 3. Any person licensed under Section 2 of this Act shall pay a tax of 15% on the price of all admissions.

§ 4. KRS 436.440 to KRS 436.470 shall not apply to the premises of any person licensed under Section 2 of this Act, where chicken fights are being conducted under a license from the Department of Revenue.

§ 5. Any person licensed under Section 2 of this Act who accepts bets on the outcome of chicken fights conducted on his premises shall pay a tax of 15% on the total sum of all bets made and handled by him.

§ 6. The Department of Revenue is authorized and directed to prescribe regulations for the collection of the tax levied in Sections (2), (3) and (5) of this Act.

§ 7. Any person violating Section (2), (3) or (5) of this Act shall be fined not less than $200 nor more than $1000 and be imprisoned for not more than six months.

Ordered that said bill be printed and referred.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 4. An Act to amend the Constitution of the Commonwealth of Kentucky to change the times of the election of public officers so as to reduce the number of elections to be held in the Commonwealth of Kentucky, and to fix the times for the meetings of the General Assembly made necessary by the change in the times of the elections of the members thereof.

With Committee amendment thereto by way of substitute therefor previously adopted by the House.

(See H. J. of January 29, 1948, ante.)

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by changing and fixing the times for the election of officers and the times for the meetings of the General Assembly, through the enactment of the following new section:

(1) All officers elected from the state at large, and the railroad commissioners, elected in 1947, shall hold office for five years. Their successors shall be elected in 1952 and every four years thereafter.

(2) All persons elected to the State Senate in 1947 and in 1949 shall hold office for five years. Their successors shall be elected in 1952 and 1954 respectively, and every four years thereafter.

(3) All persons elected to the State House of Representatives in 1949 shall hold office for three years. Their successors shall be elected in 1952 and every two years thereafter.

(4) All officers mentioned in Section 99 of the Constitution (county tax commissioners being considered the same as assessors), elected in 1949, shall be elected in 1954 and every four years thereafter.

(5) Judges of the circuit courts, Commonwealth's attorneys and clerks of the circuit courts elected in 1945 shall hold office for seven years. Their successors shall be elected in 1952 and every six years thereafter.

(6) All city officers elected for a term of four years in 1949 shall hold office for five years. Their successors shall be elected in 1954 and every four years thereafter. All city officers elected for a term of two years in 1949 shall hold office for three years. Their successors shall be elected in 1952 and every two years thereafter.

(7) The General Assembly shall continue to meet at the time heretofore provided through 1952. The General Assembly shall meet again on the first Tuesday after the first Monday in January, 1953, and on the same day every second year thereafter.

§ 2. This amendment shall be submitted to the voters at the time and in the manner provided for under sections 256 and 257 of the Constitution of the Commonwealth of Kentucky and Section 118.430 of the Kentucky Revised Statutes.

Said Committee amendment to said bill by way of substitute therefor previously adopted by the House is as follows, viz.:

An Act to amend the Constitution of the Commonwealth of Kentucky to change the times of the election of public officers so as to reduce the number of elections to be held in the Commonwealth of Kentucky, and to fix the times for the meetings of the General Assembly made necessary by the change in the times of the elections of the members thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by changing and fixing the times for the election of officers and the times for the meetings of the General Assembly, through the enactment of the following new section:

(1) All officers elected from the state at large, and the railroad commissioners, elected in 1951 shall hold office for three years. Their successors shall be elected in 1954 and every four years thereafter.

(2) All persons elected to the State Senate in 1949 and in 1951 shall hold office for three years. Their successors shall be elected in 1952 and 1954 respectively, and every four years thereafter.

(3) All persons elected to the State House of Representatives in 1951 shall hold office for one year. Their successors shall be elected in 1952 and every two years thereafter.

(4) All officers mentioned in Section 99 of the Constitution (county tax commissioners being considered the same as assessors), elected in 1949, shall hold office for three years. Their successors shall be elected in 1952 and every four years thereafter.

(5) Judges of the circuit courts, Commonwealth's attorneys and clerks of the circuit courts elected in 1951 shall hold office for five years. Their successors shall be elected in 1956 and every six years thereafter.

(6) All city officers elected in 1949 for offices for which a four-year term is provided by law, shall hold office for three years. Their successors shall be elected in 1952 and every four years thereafter. All city officers elected in 1951 for offices for which a two-year term is provided by law, shall hold office for one year. Their successors shall be elected in 1952 and every two years thereafter.

(7) The General Assembbly shall continue to meet at the time heretofore provided through 1952. The General Assembly shall meet again on the first Tuesday after the first Monday in January, 1953, and on the same day every second year thereafter.

§ 2. This amendment shall be submitted to the voters at the time and in the manner provided for under Sections 256 and 257 of the Constitution of the Commonwealth of Kentucky and Section 118.430 of the Kentucky Revised Statutes.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	Everett T. Cooper
Jason Alford	Isaac M. Blevins	G. I. Drury
Roy W. Arnold	Chas. J. Bronston	Henry J. Giles
Earl F. Ashcraft	Chas. W. Burnley	Otto W. Goff
Sidney Baer	A. H. Calvert	Henry C. Hale
Levi Baker	George I. Cline	James P. Hanratty

E. R. Hilton	Archie R. Moore	James J. Shannon
Richard R. Houpt	Fred H. Morgan	Paul E. Shannon
Clyde S. Howard	Stanley Murphy	Harry Smith
D. W. Howard	T. A. Noe, Jr.	John M. Spaulding
M. G. Howard	Joe E. Nunn	G. W. Steinford
Ira W. Hulette	H. M. Pewitt	John M. Stumbo
Laban P. Jackson	J. H. Polsgrove	G. C. Thornton
Kerby Jennings	Ottis Roberts	W. R. Tipton
J. Ernest Jones	Lilburn S. Rogers	W. J. Ward
L. H. Jones	Amos Runyan	John C. Watts
Ercel Kozee	Mrs. Rutherford	Morris Weintraub
Harry K. Lowman	Dr. K. N. Salyer	Lynn Boyd Wells
W. E. McClure	D. B. Saylor	G. F. Williamson
F. G. Marquette	LeRoy Saylor	Charlis W. Wirsch

—60

Those who voted in the negative were—

Paul Carter	E. F. Prichard	James S. Shaw
Kermit Dwyer		

—4

Resolved that the title thereof be as amended.

Mr. Clyde S. Howard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. John C. Watts moved that the House do now recess until 7:45 o'clock, p. m.

Said motion was agreed to.

And then the House recessed.

The hour of 7:45 o'clock, p. m. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Tipton moved that the rules be suspended for the purpose of introducing a bill.

Said motion was agreed to by a majority of the members elected.

Thereupon a bill of the following title was introduced, viz.:

By Messrs. Tipton, Lowman and James J. Shannon.

H. B. No. 434. An Act to amend and reenact KRS 243.070.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.070 of KRS is amended and reenacted to read as follows:

The city legislative body of any city in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only such licenses may be issued as correspond, in their provisions and the business authorized, to the licenses provided for in subsections (1), (2), (3), (5), (6), (7), (15) and (16) of KRS 243.030 and subsections (1), (2), (3) and (6) of KRS 243.040. The fees imposed shall not exceed four times the amount of the fees imposed in KRS 243.030 and 243.040 for such licenses, except that the fee for a malt beverage retailer's license may be fixed at not over four hundred dollars, the fee for a brewer's license shall not exceed one thousand dollars, the fee for a distiller's license shall not exceed one thousand dollars, and the fee for a wholesale distilled spirits license shall not exceed two thousand dollars.

Ordered that said bill be printed and referred.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

S. B. No. 52. An Act relating to elections, with special reference to elections of city officers in cities of the fifth and sixth classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (4) of Section 119.020 of the Kentucky Revised Statutes is amended to read as follows:

(4) This chapter does not apply to candidates for subdistrict school trustees, members of boards of education, or presidential electors, nor to candidates for mayor, police judge or commissioner in cities of the second or fourth class operating under the commission form of government and in cities of the second, third or fourth class operating under the city manager form of government.

Sec. 2. Subsection (1) of Section 118.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any political organization not constituting a political party within the meaning of KRS 199.010 but which cast two percent of the total vote of the state at the last preceding regular election may nominate, by a convention or primary election held by the party in accordance with its Constitution and bylaws, candidates for any offices to be voted for at any regular election, except the office of member of a board of education, for which nominations shall be made as provided in KRS 160.220. Any political party, as defined in KRS 119.-010, and any political organization not constituting such a political party but which cast two percent of the total vote of the state at the last preceding regular election, may nominate, by a convention or primary election held by the party or organization in accordance with its constitution and bylaws, as many electors of President and Vice President of the United States as this state is entitled to elect.

Sec. 3. Whereas, if this Act were to take effect at the normal time, there would be great confusion and uncertainty regarding the nomination of candidates in the 1948 primary election, an emergency is declared to exist and this Act shall become effective upon its passage and the approval of the Governor.

Mr. Durham W. Howard offered the following amendment to said bill, viz.:

Amend printed copy of Senate Bill No. 52 on page 2, section 2, line 4, by changing "KRS 199.010" to read "KRS 119.010".

Said amendment to said bill was agreed to.

Ordered that said bill be read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows:

Those who voted in the affirmative were—

Bernam Adams	Ira W. Hulette	Amos Runyan
Sidney Baer	Paul S. Jonas	John M. Spaulding
Chas. W. Burnley	J. Ernest Jones	Chas. L. Spillman
Owen Deering	Harry K. Lowman	John M. Stumbo
G. I. Drury	Archie R. Moore	John C. Watts
C. J. Holsclaw	T. A. Noe, Jr.	Lynn Boyd Wells
D. W. Howard	J. H. Polsgrove	G. F. Williamson

—21

Those who voted in the negative were—

Jason Alford	R. N. Hubbard	Lilburn S. Rogers
Fred Beshear	Laban P. Jackson	Mrs. Rutherford
Isaac M. Blevins	Kerby Jennings	Dr. K. N. Salyer
Paul Carter	F. G. Marquette	LeRoy Saylor
Robert Collins	Davis Moore	James J. Shannon
Everett T. Cooper	E. C. Mullins	Paul E. Shannon
Perry M. Cross	Stanley Murphy	Harry Smith
B. G. Davidson	H. C. Patterson	G. W. Steinford
Henry J. Giles	H. M. Pewitt	G. C. Thornton
Otto W. Goff	L. W. Preston	Lawrence Watts
E. R. Hilton	E. F. Prichard	Morris Weintraub
Clyde S. Howard	Hobart Rayburn	Rodney Whitlow
M. G. Howard	Ottis Roberts	Charles W. Wirsch

—39

And so said bill was rejected.

Mr. Preston moved that the vote by which said bill was rejected be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Speaker announced that he had referred a bill heretofore reported as follows, viz.:

Senate Bill No. 204—to the Committee on Ways and Means.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 47. An Act relating to the employment and compensation of county road employees, amending Section 179.110 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 179.110 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal court shall employ necessary employes and agents in the different road precincts of the county, and may summarily discharge them at pleasure. The employes shall perform service upon the county roads of the county according to the direction prescribed by the fiscal court. The employes may receive such compensation per day as may be allowed by the fiscal court.

Mr. Arnold moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length for the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Ira W. Hulette	Mrs. Rutherford
Jason Alford	Laban P. Jackson	D. B. Saylor
Roy W. Arnold	Kerby Jennings	LeRoy Saylor
Sidney Baer	Paul S. Jonas	James J. Shannon
Levi Baker	J. Ernest Jones	Paul E. Shannon
Bernhardt Bauer	L. H. Jones	Jesse H. Shelton
Fred Beshear	Harry K. Lowman	Harry Smith
Chas. J. Bronston	W. E. McClure	John M. Spaulding
Chas. W. Burnley	F. G. Marquette	Chas. L. Spillman
Earl W. Christian	Archie R. Moore	G. W. Steinford
Robert Collins	Fred H. Morgan	John M. Stumbo
Everett T. Cooper	E. C. Mullins	G. C. Thornton
Horace T. Cull	Stanley Murphy	W. R. Tipton
Owen Deering	H. C. Patterson	J. B. Veech
G. I. Drury	H. M. Pewitt	Lawrence Watts
Henry J. Giles	J. H. Polsgrove	Morris Weintraub
Otto W. Goff	L. W. Preston	Lynn Boyd Wells
James P. Hanratty	E. F. Prichard	Rodney Whitlow
Clyde S. Howard	Ottis Roberts	G. F. Williamson
R. N. Hubbard	Amos Runyan	Charles W. Wirsch

—60

Those who voted in the negative were—

Isaac M. Blevins	C. D. Moberly	Lilburn S. Rogers
Paul Carter	H. S. Overby	

—5

Resolved that the title thereof be as aforesaid.

Mr. Arnold moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 191. An Act increasing the penalty for destruction of public property, amending Section 433.480 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.480 of the Kentucky Statutes is amended to read as follows:

Any person who willfully and unlawfully damages any church, courthouse, schoolhouse or other public building shall be fined not less than One Hundred ($100.00) Dollars and confined in the city or county jail for not less than ninety (90) days; for the second offense shall be fined not less than One Thousand ($1,000) Dollars and imprisoned in the city or county joil for eleven months.

Mr. Moberly offered the following amendments to said bill, viz.:

Amendment No. 1. Amend printed copy of House Bill No. 191, on page 1, line 5, after the words One Hundred ($100.00) Dollars, add "and not more than Five Hundred ($500.00) Dollars".

Amendment No. 2. Amend printed copy of House Bill No. 191, on page 1, line 6, strike out the word ninety (90) and insert the word thirty (30).

Said amendments to said bill were each and severally agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken of the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	M. G. Howard	Lilburn S. Rogers
Jason Alford	Ira W. Hulette	Amos Runyan
Roy W. Arnold	Laban P. Jackson	Glenn Rushing
Sidney Baer	Kerby Jennings	Dr. K. N. Salyer
Bernhard Bauer	Paul S. Jonas	D. B. Saylor
Fred Beshear	J. Ernest Jones	LeRoy Saylor
Isaac M. Blevins	L. H. Jones	James J. Shannon
Chas. J. Bronston	Harry K. Lowman	Paul E. Shannon
Chas. W. Burnley	F. G. Marquette	Harry Smith
A. H. Calvert	C. D. Moberly	John M. Spaulding
Paul Carter	Archie R. Moore	Chas. L. Spillman
Earl W. Christian	Davis Moore	G. W. Steinford
Robert Collins	E. C. Mullins	John M. Stumbo
Everett T. Cooper	Stanley Murphy	G. C. Thornton
Perry M. Cross	T. A. Noe, Jr.	W. R. Tipton
B. G. Davidson	H. C. Patterson	J. B. Veech
G. I. Drury	H. M. Pewitt	Lawrence Watts
Henry J. Giles	J. H. Polsgrove	Lynn Boyd Wells
Otto W. Goff	L. W. Preston	Rodney Whitlow
C. J. Holsclaw	Hobart Rayburn	G. F. Williamson
Clyde S. Howard	Ottis Roberts	Charles W. Wirsch
D. W. Howard		

—64

There voted in the negative—

W. E. McClure

—1

Resolved that the title thereof be as aforesaid.

Mr. Alford moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Burnley moved that the rules be suspended for the purpose of allowing reports of Committees.

Said motion was agreed to by a majority of the members elected.

Thereupon Mr. Burnley of the Committee on Ways and Means, to which the same had previously been referred, reported a bill of the following title, viz.:

S. B. No. 204. An Act relating to pawnbrokers.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

Mr. Hulette of the Committee on Cities of the Third Class, to which the same had previously been referred, reported a bill of the following title, viz.:

H. B. No. 408. An Act relating to city utility commissions for the operation, management and control of waterworks plants or systems acquired, constructed or owned by cities of the third class.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed on the Calendar.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 322. An Act relative to annexation of county school district, subdistrict, subdistricts or parts thereof, and repealing, amending and re-enacting Section 160.050 of Kentucky Revised Statutes, 1946 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Any independent school district may annex and unite as a part of the independent school district any county school district, subdistrict or subdistricts, or parts thereof, lying adjacent to the independent school district, and repealing, amending and reenacting Section 160.050 of Kentucky Revised Statutes, subject to the following provisions:

2. The board of education of the independent school district, county board of education, and State Superintendent of Public Instruction shall designate the territory proposed to be annexed, and submit the question of annexing the territory to the independent school district to a vote of the people residing in the territory proposed to be annexed, and if such proposal shall be adopted by a vote of the majority of the people residing therein said territory shall become a part of the independent school district.

3. Provided further that if the board of education of the independent school district, the board of education of the county school district and the State Superintendent of Public Instruction shall fail or refuse to designate said boundary, or call said election, then if 25% of the voters residing in said territory proposed to be annexed shall with the consent and approval of the board of education of the independent school district petition the county board of education to call said election, same shall be called within 60 days from the filing of said petition, and if at said election there is a majority vote in

favor of said annexation, said territory shall become a part of the independent school district.

4. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. Jennings offered the following amendments to said bill, viz.:

Amendment No. 1. Amend printed copy of House Bill No. 322 in House by striking out all of the words in lines 4 and 5 and comma after the word "district" in line 4, and substituting the comma with a period.

Amendment No. 2. Amend printed copy of House Bill No. 322 in House by striking out the words "provided further" in line 3, page 2 of bill, so that said paragraph shall start as follows: "That if the board".

Said amendments to said bill were each and severally agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Chas. J. Bronston	Horace T. Cull
Jason Alford	Chas. W. Burnley	B. G. Davidson
Levi Baker	Earl W. Christian	Owen Deering
Bernhardt Bauer	George I. Cline	Henry J. Giles
Fred Beshear	Robert Collins	Henry C. Hale
Isaac M. Blevins	Perry M. Cross	C. J. Holsclaw

D. W. Howard	Davis Moore	Glenn Rushing
M. G. Howard	Fred H. Morgan	Paul E. Shannon
R. N. Hubbard	E. C. Mullins	John M. Spaulding
Ira W. Hulette	Stanley Murphy	Chas. L. Spillman
Laban P. Jackson	T. A. Noe, Jr.	G. W. Steinford
Kerby Jennings	H. S. Overby	John M. Stumbo
Paul S. Jonas	H. C. Patterson	G. C. Thornton
J. Ernest Jones	H. M. Pewitt	Wilford S. Travis
L. H. Jones	J. H. Polsgrove	J. B. Veech
Harry K. Lowman	L. W. Preston	John C. Watts
W. E. McClure	E. F. Prichard	Lynn Boyd Wells
E. H. Martin	Hobart Rayburn	Rodney Whitlow
Archie R. Moore	Lilburn S. Rogers	G. F. Williamson

—57

Those who voted in the negative were—

Everett T. Cooper	Amos Runyan	Harry Smith
G. I. Drury	D. B. Saylor	W. R. Tipton
C. D. Moberly	James J. Shannon	Lawrence Watts
Ottis Roberts		

—10

Mr. Jennings offered the following amendment to the title of said bill, viz.:

Amend title of printed copy of House Bill No. 322 in the House by striking out all of the words and comma in line two of the title after the words, "parts thereof" and substituting the comma after the word "thereof" with a period.

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Mr. Jennings moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Morgan moved that the rules be suspended for the purpose of offering a resolution.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Morgan offered a resolution of the following title, viz.:

H. Res. B. A Resolution expressing the confidence of the House of Representatives in the Honorable Kerby Jennings of Calloway County.

Said resolution is as follows, viz.:

WHEREAS, it has been brought to the attention of the House of Representatives, now in general session assembled, that one of its most able and conscientious members, to wit: the gentleman from the County of Calloway, has been most unfairly and unjustly dealt with and in such a manner which, that if allowed to continue, will ultimately mean and bring about the destruction of our Democratic form of Government, both in the Commonwealth of Kentucky, and in the United States of America; and

WHEREAS, there was forwarded to the gentleman from the County of Calloway a letter signed by a number of citizens of said county containing the unfounded accusation that the said gentleman had "betrayed the confidence" which the citizenry of said county had placed in him, requesting that he resign the office of member of the House of Representatives, which accusation is false, untrue and without foundation, either in truth or fact; and

WHEREAS, this House of Representatives recognizes the right of petition inherent in every citizen of this Commonwealth, but only to such extent as same by fair and honorable means brings, or causes to be brought to the attention of its duly elected officials and office holders matters of interest in which said petitioners have concern and for which they seek redress; and this House of Representatives now holds, and has always held that the right of petition or to seek redress of grievances does not confer upon any citizen or group of citizens the right to unduly attack through libel, slander, coercion or malicious concerted action the actions or vote of any member of this House of Representatives; and

WHEREAS, the gentleman from the County of Calloway so bitterly and maliciously attacked and accused by said persons signing said letter, is recognized as one of the most able and capable men in this House of Representatives, having to his credit the distinction of voting his own convictions without fear or favor of any person, living or dead, which is to the credit and glory of this House of Representatives, and which position should be emulated by all persons holding offices of honor, trust or profit; and

WHEREAS, the attack on the said gentleman from the County of Calloway, if allowed to stand uncontradicted, would, as aforesaid, constitute and stand as a direct threat to those honest, capable and conscientious members of this House of Representatives in the exercise of their preogatives, and thereby undermine the democratic processes and ultimately, if allowed to go unanswered, would so intimidate less fearless and able men into weakening and succumbing to the whims and caprices of men with less principle having personal interests at heart rather than the general interest of the Commonwealth of Kentucky;

Now, Therefore, Be it Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

1. That the unwarranted attack upon the gentleman for the County of Calloway by certain citizens from Calloway County, Kentucky, be answered by the House of Representatives, and this Resolution, be and the same hereby is the answer of this body;

2. That it is the sense of this body that the actions of the gentleman from the County of Calloway in this House of Representatives be approved as the actions of an honest and conscientious man and legislator;

3. That the gentleman signing said petition stating that the gentleman from the County of Calloway has "betrayed the confidence" they placed in him and requesting that he resign his office, be reminded that their actions are not only un-American and unpatriotic, but if such actions are indulged

in by other groups in such a vicious and uncontrolled manner would ultimately lead to the destruction and downfall of our present system of government;

4. That this House of Representatives does hereby reaffirm its faith in the conduct and honesty and capableness of the gentleman from the County of Calloway, anything in said letter to the contrary notwithstanding, and does hereby officially state to the citizens of the 7th Legislative District consisting of the county of Calloway, represented in this House of Representatives by the said gentleman from Calloway County that as a Representative he has the highest esteem of his fellow members of the House of Representatives, who love and respect and admire him for his courage, his honesty and his frankness in both thought and action, and that he has at all times honestly, fairly and conscientiously, without thought of personal risk or loss, fought for the interest and welfare of the people of his county and district and for the people of his state:

5. That sufficient copies of this Resolution be ordered printed, and the Clerk of the House of Representatives is hereby instructed to attest sufficient copies hereof and to mail same to each and every signer of said letter, and to deliver same to the press of Calloway County, as well as to cause same to be spread upon the journal of this House as its everlasting expression of faith and confidence in the gentleman from Calloway, the Honorable Kerby Jennings.

Mr. Morgan moved that the House do now adopt said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz.:

H. B. No. 192. An Act increasing penalty for disturbing school, church and public assemblage.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 437.040 of the Kentucky Revised Statutes is amended to read as follows:

Any person who willfully, and under circumstances not constituting an offense under KRS 437.050, interrupts or disturbs a congregation assembled for or engaged in worshiping God, or any school, seminary or college while its students are engaged in their studies or are undergoing a public examination, or any assemblage of people met for and engaged in a lawful purpose, shall be fined for the first offense not less than One Hundred ($100.00) Dollars and imprisoned in the city or county jail for ninety (90) days; for the second offense shall be fined not less than Five Hundred ($500.00) Dollars and imprisoned in the city or county jail for six months.

Mr. Mullins offered the following amendments to said bill, viz.:

Amendment No. 1. Amend printed copy of House Bill 192, on page 1, line 9, by adding the words "nor more than five hundred" after the words "one hundred."

Amendment No. 2. Amend printed copy of House Bill No. 192, on page 1, line 10, by striking therefrom the word "ninety" and inserting in lieu thereof the word "thirty."

Said amendments to said bill were each and severally agreed to.

Ordered that said bill be engrossed and read at length the third time.

The Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Ira W. Hulette	Glenn Rushing
Jason Alford	Laban P. Jackson	Mrs. Rutherford
Sidney Baer	Jerby Jennings	D. B. Saylor
Levi Baker	Paul S. Jonas	LeRoy Saylor
Bernhardt Bauer	J. Ernest Jones	James J. Shannon
Fred Beshear	L. H. Jones	Paul E. Shannon
Isaac M. Blevins	W. E. McClure	Harry Smith
Chas. J. Bronston	F. G. Marquette	John M. Spaulding
Chas. W. Burnley	C. D. Moberly	Chas. L. Spillman
Paul Carter	Archie R. Moore	G. W. Steinford
Earl W. Christian	Davis Moore	G. C. Thornton
Robert Collins	Fred H. Morgan	W. R. Tipton
Everett T. Cooper	E. C. Mullins	J. B. Veech
Perry M. Cross	Stanley Murphy	John C. Watts
Horace T. Cull	T. A. Noe, Jr.	Lawrence Watts
Owen Deering	H. C. Patterson	Morris Weintraub
Otto W. Goff	L. W. Preston	Lynn Boyd Wells
C. J. Holsclaw	Hobart Rayburn	Rodney Whitlow
D. W. Howard	Ottis Roberts	G. F. Williamson
M. G. Howard	Amos Runyan	Charles W. Wirsch

—60

There voted in the negative—

J. H. Polsgrove —1

Resolved that the title thereof be as aforesaid.

Mr. Alford moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. No. 213. An Act relating to income taxes, with particular relation to the allowance of deductions to individual taxpayers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In addition to the deductions allowed by KRS 141.080, taxpayers reporting income under the provisions of KRS Chapter 141 shall be allowed, as a deduction, all income received from the Federal Government in the form of a disability pension or retirement allowance granted by reason of service in the Armed Forces of the United States, whether or not such service was rendered in time of war.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Bernam Adams	Otto W. Goff	J. H. Polsgrove
Jason Alford	C. J. Holsclaw	L. W. Preston
Sidney Baer	M. G. Howard	E. F. Prichard
Levi Baker	Ira W. Hulette	Lilburn S. Rogers
Fred Beshear	Laban P. Jackson	Amos Runyan
Isaac M. Blevins	Paul S. Jonas	Mrs. Rutherford
Chas. J. Bronston	J. Ernest Jones	Dr. K. N. Salyer
Chas. W. Burnley	L. H. Jones	D. B. Saylor
A. H. Calvert	W. E. McClure	LeRoy Saylor
Paul Carter	Ed Marcum	James J. Shannon
Earl W. Christian	C. D. Moberly	Paul E. Shannon
George I. Cline	Archie R. Moore	Harry Smith
Robert Collins	Davis Moore	John M. Spaulding
Everett T. Cooper	Fred H. Morgan	Chas. L. Spillman
Perry M. Cross	E. C. Mullins	G. W. Steinford
Horace T. Cull	T. A. Noe, Jr.	G. C. Thornton
Owen Deering	H. S. Overby	Wilford S. Travis
Henry J. Giles	H. C. Patterson	J. B. Veech

John C. Watts	Lynn Boyd Wells	G. F. Williamson
Lawrence Watts	Rodney Whitlow	Charles W. Wirsch
Morris Weintraub		—61

Resolved that the title thereof be as aforesaid.

The Speaker announced the personnel of the Committee on Rules as follows, viz.:

T. Herbert Tinsley, Chairman
Charles W. Burnley
Davis Moore
Kerby Jennings
G. I. Drury
W. E. McClure
Lilburn S. Rogers
Rodney Whitlow
Walter K. Coleman
Charles L. Spilman
Chester J. Holsclaw
Mrs. Susan Bond Rutherford
Clyde S. Howard
J. B. Veach
Paul S. Jones
E. H. Martin
John C. Watts
Mrs. Mary Elizabeth Burnett
E. F. Prichard
Carson Hibbitts
Lawrence Watts
A. H. Calvert
Jesse H. Shelton
Harry King Lowman
Otto W. Goff
Hobart Rayburn
Ed Marcum
Maurice G. Howard
Ercel Kozee
Kermit Dwyer
Freeman L. Robinson
Perry Cross

Mr. Goff moved that the House do now adjourn to meet again at 1 o'clock, p. m., Wednesday, March 3, 1948.

Said motion was agreed to.

And then the House adjourned.